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Part II

# Department of Agriculture

**Animal and Plant Health Inspection Service**

**9 CFR Parts 1 and 2**

**Animal Welfare; Proposed Rules**

previously been incorporated into the regulations. The Department is, therefore, proposing that all brokers, and all operators of auction sales, where regulated animals are sold, or purchased, must be licensed as class "B" dealers.

A number of States and local communities have passed laws which restrict or prohibit the ownership of certain animals, such as wild or exotic animals, that are considered dangerous. Some of these laws made allowances for people who had a USDA license as an exhibitor or a dealer. Department regulations currently allow for voluntary licenses to be issued to persons who desire them and that comply with the standards and regulations. This voluntary license procedure has the potential to allow some individuals to escape or circumvent local or State laws prohibiting or regulating the keeping of such animals, and has added considerable burden to the Department's expenditures of manpower and money by requiring licensing and inspection of individuals who do not otherwise qualify as dealers or exhibitors under the Act. Therefore, the Department proposes to eliminate voluntary licenses, except as intended by Congress, i.e., for those persons who sell dogs or cats for research and do not qualify for licensing. Furthermore, no one may obtain more than one license and only those persons meeting the definition of a dealer or an exhibitor will be licensed, subject to the above exemption.

Sections 2.2 and 2.3 require that applicants acknowledge the receipt of the regulations and standards, and that they demonstrate compliance with such regulations and standards before a license will be issued. The applicant must make his premises, equipment, and records available for inspection during business hours, as defined each week of the year. If an applicant does not pass a prelicense inspection, a license will be denied until the facilities are in full compliance with the regulations and standards.

The present § 2.4 "Issuance of License," has been incorporated into §§ 2.1 and 2.6 and will be deleted as a separate section. Section 2.5 has been revised to cover duration and termination of licenses. As before, a license will be valid for 1 year unless terminated before the anniversary date. The reasons for termination are set forth in § 2.5. The provision that license and application fees are not refundable if the license is terminated before its expiration date has now been added to § 2.5.

Difficulties have occurred in the past where licensees either refused to accept delivery of registered or certified mail concerning their license renewal, or such mail was undeliverable. This has resulted in the expenditure of considerable time and effort to locate the licensee before their license was terminated. The Department proposes to require that licensees must accept registered or certified mail delivery at the valid address required in § 2.1 or have their license automatically terminate.

Licensees that move to another location or State, or enlarge their animal business into another location without notification to the Area Veterinarian in Charge have also been an ongoing enforcement problem. Such premises are quite often the subject of legal action for noncompliance with standards even though the original premise was in compliance. In order to correct this problem and to assist licensees in complying with the standards, the Department is proposing that licenses will be issued to persons for specific premises and will not be transferable upon change of location or ownership without notice to the Area Veterinarian in Charge and a satisfactory compliance inspection. Licensees who operate without giving the Area Veterinarian in Charge proper notice and without passing an inspection will be deemed to be operating without a license at that site.

The annual license fees indicated in § 2.6 have not changed in over 10 years for dealers and exhibitors despite considerable inflation. Although many licensees have gone out of business, new ones have entered so that the number of licensees has remained relatively constant over the past 10 to 15 years. The Department is proposing to increase the annual license fees in addition to the application fee. The Department proposes to increase the minimum annual license fee for dealers from $5 to $50 and the maximum fee from $500 to $1,000. For exhibitors, the Department proposes to increase the minimum fee from $5 to $50 and the maximum fee from $100 to $500. No changes have been made in the manner in which such fees are calculated for "A" dealers and "B" dealers. Brokers and operators of auction sales will be licensed as class "B" dealers.

The regulations presently allow persons applying for a license, or license renewal, to pay their fees by certified check, cashier's check, money order, or by personal check. The National Finance Center has advised APHIS that they have a continuing problem with a number of personal checks being returned for nonsufficient funds. Such returned checks are usually in the range of $25 or less, and create a considerable burden both in bookkeeping procedures and personnel time spent in trying to collect such fees. The returned checks also place the applicant or licensee in the position of doing business without a license, as no one is considered licensed until they have satisfied all the requirements indicated in Part 2, which includes the payment of the appropriate fees. Serious consideration was given to eliminating personal checks for payment of fees. We felt that such a restriction would not be fair to the majority of applicants and licensees whose checks are not returned for insufficient funds. The Department will, therefore, retain the option of paying fees by personal check but is proposing that a penalty fee of $15 be charged for each returned check. Additionally, the Department proposes that no license be issued until the check has cleared normal banking procedures, and that once a check has been returned all subsequent fees paid by that person must be by certified check, cashier's check, or money order. If a person meets the requirements for more than one type of license he will be licensed, and required to pay the fee, for his predominant business.

Section 2.7, Annual report by licensees, has been reorganized in format, but retains basically the same requirments as before with two exceptions. Over the past several years, animal leasing operations have become more common. The Department, therefore, proposes that licensees must include any leased animals, along with animals which they own, when calculating their yearly fees. This will apply to both the lessor and the lessee, as both persons may receive compensation attributable to the same animal.

Problems have also been apparent for many years in the area of adequate veterinary care. Some licensees do not provide adequate veterinary care as required by the Act and the regulations and standards. Some change veterinarians every few months and others pick a veterinarian's name out of the telephone book and indicate that he or she is providing the care without consulting the veterinarian named. In order to correct this problem, the Department proposes that each licensee have his attending veterinarian sign a statement on the annual report which certifies that the veterinarian has read and understands the regulations and standards under the Act and that he or she actually visits the licensees'

premises in order to carry out the required programs of adequate veterinary care. The Department further proposes in a new § 2.40, that each licensed or registered dealer, exhibitor, or research facility must have an attending veterinarian and must submit a written program of adequate veterinary care to the Area Veterinarian in Charge on a yearly basis. This requirement is discussed in detail in the section on the attending veterinarian.

Section 2.8, has been slightly revised in wording but is basically the same as before. The Department proposes in § 2.8 that licensees and registrants must notify the Area Veterinarian in Charge of any change in name, address, management, ownership, or other material fact by certified mail.

Section 2.10, Licensees whose licenses have been suspended or revoked, has been revised in both format and content to make it stronger and more effective. The Department proposes removing references to termination of licenses from this section and including them in § 2.5. The Department proposes that license revocations be permanent.

Section 2.11, Denial of license, has been revised in both format and content. As before, no one will be licensed who has not made proper application, paid the appropriate fees, and demonstrated compliance with the regulations and standards. Due to past enforcement problems with some licensees, the Department proposes to add three other additional bases for denying a license. The first would be to deny a license to any person who has been fined, sentenced to jail, or pleaded nolo contendere (no contest) under local or State cruelty to animal laws within 1 year of application for license. Second, a license would be denied to any person who has made any false or fraudulent statements, or provided any false or fraudulent records to the Department. Third, a license would be denied to any person who has interfered with, threatened, abused, or harassed any Veterinary Services inspector in the course of carrying out his or her duties under the Act. This would include verbal abuse as well as physical abuse. Any applicant denied a license would have the right to request a hearing to show why the license should not be denied, but such license denial would remain in effect until the final legal decision has been rendered. After a 1-year period any person who was denied a license could again apply for a license.

**Registration**

All research facilities, carriers, and intermediate handlers must register under the Act. Since the Act was first passed in 1966, registration has been on a one time only basis, whereas licensing is on a yearly basis. This system has created some recordkeeping and enforcement problems. In the 20 years since the Act was first passed, there has been considerable turnover of executive personnel at most research facilities as well as many changes in their operations and structure, so that the original registration forms are no longer current or accurate. Intermediate handlers and carriers have been registered since the amendments of 1976 and there have been similar problems with these facilities. The Department proposes, therefore, that registrants must update their registration every 3 years. This 3-year time period will correspond with other Federal recordkeeping requirements and will keep information current for each registrant without requiring yearly registration. Section 2.25(a) has been revised to require that each research facility, carrier, intermediate handler, and each exhibitor not required to be licensed under section 3 of the Act shall complete and file a registration form every 3 years. Such registration form is to be signed by the Chief Executive Officer (CEO) or some other official who has the legal authority to bind the parent organization. Registration is to be completed at a level sufficiently elevated to bind the institution, which usually means the University or college level of a research facility rather than the school, or department level. For corporations, a subsidiary will be registered unless the subsidiary is under direct control of the parent corporation, as determined by the Secretary.

Section 2.27 deals with Notification of Change of Operation. The Department proposes that registrants notify the Area Veterinarian in Charge, by certified mail, of any change in address, operations or management. Lack of such notification in the past has resulted in inaccurate records and a waste of time and money when such facilities have gone out of business or changed operations. The Department also proposes to establish a procedure whereby a registrant can be placed in an inactive status, after a period of 2 years, during which no animals have been used, handled, or transported, and to establish a procedure to cancel the registration of a registrant which ceases to operate as a research facility, carrier, intermediate handler, or exhibitor, or that goes out of business. When a registrant goes out of business, or becomes inactive, it must notify the Area Veterinarian in Charge in writing and is responsible for reregistration and compliance with the regulations and standards should it become active again.

Section 2.28, Annual report of research facilities, has been revised so as to incorporate the requirements of the 1985 amendments to the Act. The Department proposes that the annual report be certified by (1) the attending veterinarian, (2) the chairman of the Institutional Animal Care and Use Committee, (3) the Chief Executive Officer of the facility. Present regulations require certification by the attending veterinarian or by the Committee, and by a legally responsible official. The report will include a statement that the unaffiliated member concurs or does not concur with the report.

The word "teaching" has been included in the definition of a research facility as it was the intent of Congress in the original Act of 1966 to include "teaching" as part of research. This was carried out in practice, but the term was never placed into the regulations.

The Department further proposes that the annual report of a research facility must show the following: (1) That professionally acceptable standards governing the care, treatment, and use of animals, including the use of appropriate drugs, are used during pre- and post-surgical care and during actual research; (2) assurances that the principal investigator has considered alternatives to such painful or distressful procedures; (3) that the facility is adhering to the standards and regulations under the Act, and an explanation for any deviation from such standards and regulations as an attachment to the report; (4) the location of all facilities where animals were used or kept by the facility; (5) the common names and numbers for all animals: (i) Being bred or held for use but not yet used, (ii) used for purposes involving no pain or distress, (iii) used for purposes which involve pain or distress and received pain relieving drugs, (iv) used for purposes involving pain or distress and did not receive pain relieving drugs. In this latter case, the facility shall attach to the annual report information on the procedures producing pain or distress in these animals, including a detailed explanation why pain relieving drugs were not used. The Department also proposes that the Chief Executive Officer must certify that the attending veterinarian and the Institutional Animal Care and Use Committee have the authority to enter any animal area at any reasonable time and that they have satisfactorily carried out their responsibilities under the Act. In addition such annual report would have

to be certified by the attending veterinarian and the Committee chairman. The annual report would be submitted on or before December 1 of each calendar year by each research facility.

*Institutional Animal Care and Use Committee and Other Requirements for Research Facilities*

The 1985 amendments to the Act require that the Department promulgate standards for research facilities to ensure that animal pain and distress are minimized and to restrict the multiple use of animals in major operative experiments. In addition, each research facility is required to establish an Institutional Animal Care and Use Committee. The Department is, therefore, proposing a new § 2.30, Additional Requirements for Research Facilities, which implements these requirements. Each research facility would be required to establish a written policy ensuring that it will fulfill its statutory responsibilities with respect to the use of animals in practices that could cause pain or distress to the animals.

Present regulations refer to an institutional committee of at least three members, one of whom is a Doctor of Veterinary Medicine, for evaluating the care, treatment, and use of all warmblooded animals held or used for research, teaching, testing, or experimentation and for certifying that the type and amount of certain drugs used on animals during actual research, teaching, testing, or experimentation was appropriate to relieve pain and distress in the animals. Additionally, the Annual Report of Research Facility (VS Form 18–23) required to be submitted yearly by each research facility currently must be signed by the attending veterinarian or by a member of the Animal Care Committee.

The general public and the research community have all indicated that the evaluation, oversight, and review of the care and treatment of animals used for research is the proper responsibility of such a committee due to the other workload and responsibilities of the attending veterinarian. It is also felt that the committee should be responsible for approving research protocols utilizing animals falling under Categories 3 and 4 of § 2.35(b)(3)(ii) and should also be responsible for inspecting the animal facilities in order to certify compliance with the Act.

The 1985 amendments to the Act require the establishment of an Institutional Animal Care and Use Committee and provide definite requirements with regard to the establishment, composition, and duties of the Committee. Past and present enforcement efforts and the requirements of the 1985 amendments have convinced the Department that stronger requirements and more specific responsibilities are required for such Committees so as to ensure the humane care and treatment of animals used for research purposes. The Department is, therefore, proposing a new § 2.35, Institutional Animal Care and Use Committee, setting forth the requirements for, and the composition of, such Committee, and indicating the duties and responsibilities of the Committee. The registered research facility will be responsible for providing both an attending veterinarian and an Animal Care and Use Committee and for ensuring that they have the necessary authority to carry out their functions and responsibilities as required by the 1985 amendments and by the regulations and standards.

**Section 2.35 Institutional Animal Care and Use Committee (Committee).**

The Department proposes that each research facility must establish and maintain at least one Committee. The Committee shall consist of at least three persons; the chairman, the attending veterinarian of the research facility, and an outside member who is not affiliated in any way with the research facility other than as a member of the Committee. The outside member should not be a member of the family of any one connected with the research facility, nor should he or she be a former employee or member of the facility, or a supplier or vendor to the facility. All Committee members should possess sufficient ability to assess animal care, treatment, and practices, and the outside member is intended to provide general representation of the community for the proper care and treatment of animals at the facility. If the Committee consists of more than three members, not more than three members shall be from the same administrative unit of the facility. The members of the Committee are to be appointed by the Chief Executive Officer of the research facility. In the case of universities, the Department intends that this be the President or his designee (who shall not be in the Department which is conducting the research). The Department proposes that the research facility maintain an up-to-date list of Committee members, indicating the name, degree, position, qualifications, address, and telephone number of each member. A copy of the current list is to be maintained by the attending veterinarian.

Section 13(b)(2) of the 1985 amendments to the Act requires that, "A quorum shall be required for all formal actions of the Committee, including inspections under paragraph (3)." The amendments define "Quorum" as "a majority of the Committee members." The amendments then specify in 13(b)(2) that the Committee shall inspect all animal study areas and animal facilities at least semiannually, shall review certain areas as part of the inspections, and shall file certain reports and take certain actions in regard to any deficiencies noted. The Department invites comments in regard to the Committee's inspection of animal facilities and study areas and how such inspections might be carried out in facilities with large Committees and a large number of animal sites. The Department is proposing that the Committee inspect all animal sites and study areas at least twice a year, no more than 6 months apart, and that the Committee, in its inspection, review all practices and procedures involving pain to the animals, and the condition of all animals, so as to minimize pain and distress to the animals. The Regulations and Standards issued under the Act (9 CFR, Subchapter A) are to be used as the basis for the inspection of animal areas and facilities. The 1985 amendments to the Act provide for exceptions to the inspection requirement when animals are studied in their natural environment and the study area prohibits easy access. Rather than providing for a blanket exemption for such studies, the Department proposes that requests for such exemptions be addressed to the Deputy Administrator, and the reasons why inspections cannot be made in these instances be clearly set forth in the request. A decision shall then be given as to whether such study area will be exempted from the Committee inspection process.

The 1985 amendments to the Act require that after the Committee makes its inspection, it shall file a certification report on its findings. The Department proposes that such report be filed at a central location at the research facility and that the reports shall be available to APHIS officials and to officials of any funding Federal agencies for inspection and copying, and shall be retained for at least 3 years by the facility. The report is to include: The date the inspection was made; the signature of a majority of the Committee members; any minority views; reports of any violations or deficiencies of the regulations and standards; any deviations from approved research protocols that adversely affect the animals; any

notification to the facility concerning such deviations or conditions; any other information or concerns of the Committee on the status or conditions of the animals or the facility; and any corrections made by the facility. The Committee is to provide an assurance statement that as part of its inspection all painful procedures using animals have been reviewed and approved as required in section 2.35 and found to be in accordance with the approved protocols and procedures, and if not in accordance with approved protocols and procedures, that the investigator has been instructed to cease such activities and to comply with approved procedures.

The 1985 amendments to the Act require that the Committee notify the administrative representative of the research facility of any deviations from the provisions of the Act, regulations, or standards found on inspection and that the facility be given an opportunity to correct such problems. The Department is proposing that if, 30 days after such notification and opportunity for correction, such deficiencies or deviations remain uncorrected, that the Committee shall notify the Deputy Administrator and any funding Federal agency, in writing. Copies of such reports and notification shall be provided to Veterinary Services inspectors and any funding agency.

The 1985 amendments also require the establishment of a reporting procedure whereby laboratory or research facility personnel can report deficiencies, deviations, or questionable practices concerning animal housing, care, or use, without fear of reprisal. The Department is proposing that the research facility establish such a reporting procedure and that Committee responsibilities include the review and, if warranted, investigation of all such reports involving the care and use of animals at the facility. The research facility is to prepare a report including the nature of the concern, the Committee's findings, and any action taken. This report will be made available to Veterinary Services inspectors and funding Federal agency officials upon request. The regulations are very clear that no individual in the employ of the research facility is to be subject to any reprisal or discrimination for reporting any problems.

In accordance with the 1985 amendments, the Department proposes that the research facility, through the Committee, make all research protocols involving animals and all assurance statements required by the U.S. Public Health Service (PHS) available to USDA inspectors upon the request of the Deputy Administrator. Such inspection would be to review for compliance with the provisions of the Act, including compliance with requirements that assurances be made, and to confirm that areas of noncompliance with the standards are fully justified in the research protocol and approved by the Committee. Areas of noncompliance which are not justified in the research protocol and approved by the Committee will be documented for additional action. The USDA inspector shall maintain the confidentiality of all research protocols and assurances.

Additionally, the Department proposes that Committee approval shall be required for all research, testing, or teaching protocols falling under Categories 3 and 4 of § 2.35(b)(3)(ii) involving the use of live warmblooded animals at the facility, or other locations by facility personnel, before such research, testing, or teaching is started. The Department invites comments with regard to the approval of such protocols. The Department proposes that Categories of Animal Use in Research and Teaching be incorporated into regulations. These categories are listed by the increasing amount of pain or distress likely to be caused to the animals and examples are given for each category. These categories are for the guidance of the investigator in planning the research protocol and for the Committee in determining the level of pain or distress to be allowed and the necessity of such pain or distress when approving the protocol. In approving protocols and procedures falling into the area of Categories 3 and 4, the Committee shall ensure that all possible steps have been taken to reduce or eliminate as much pain and distress as possible, and that the proper level of animal care and treatment has been planned for and carried out using acceptable practices and methods. The list of examples is not all inclusive but is provided as guidance for where a particular protocol might be classified in relation to the pain or distress involved. Those protocols or procedures which do not adequately protect the animals from pain or distress should not be approved by the Committee unless written justification, with objective substantiating documentation, is provided and the Committee agrees that such procedures are scientifically necessary.

Protocol approval by the Committee has a number of important functions and areas of consideration. Prior to approving protocols, the Committee shall: (1) Ensure that animal pain, distress, and functional or sensory impairment are minimized; (2) ensure that all survival surgery is performed using aseptic procedures; (3) ensure that adequate veterinary care is planned for and provided; (4) ensure that the type and number of animals are appropriate and necessary as an essential part of the protocol or to preserve an endangered species or marine mammals; (5) ensure the appropriate use of anesthetics, analgesics, tranquilizers, or euthanasia when necessary, and that such use is in accordance with established or accepted veterinary procedures and usage. The use of such drugs is expected to be in accordance with the instructions of the attending veterinarian.

The Department proposes that the basic guideline for the use of pain relieving drugs shall be that pain relieving drugs shall be used whenever an animal is subjected to any procedure that would reasonably be expected to cause pain or distress in a human being. Exceptions to the use of pain relieving drugs may be made if fully explained and justified in the research protocol and approved by the Committee.

Before approving any protocol, the Committee is to require: (1) Written assurance from the principal investigator that alternative procedures have been considered, and (2) assurance that the experiment is not unnecessarily duplicative. In any procedure which could be expected to cause pain or distress, the Committee must: (1) Require that the principal investigator consult with the attending veterinarian in the planning of such procedure and during the procedure; (2) require that the principal investigator provide for the use of pain relieving drugs in accordance with the attending veterinarian's recommendations and established or accepted veterinary procedures, including the training of laboratory personnel in the proper methods and techniques for minimizing pain and distress; (3) require that the principal investigator provide for pre- and post-surgical care by laboratory personnel and for any training that might be needed to carry out such care; (4) require that all aseptic surgery be conducted only in facilities intended for that purpose and that such facilities are operated and maintained under aseptic conditions, and that surgery be performed or directly supervised by trained and experienced personnel. The Committee shall not approve protocols which permit the withholding of pain relieving drugs or euthanasia except when scientifically necessary and then only for the shortest necessary period of time, nor protocols allowing the use of paralytic drugs without anesthesia.

The Department further proposes that in approving research protocols, the Committee shall ensure that no animal is used in more than one major operative experiment from which it is allowed to recover, unless such use: (1) Is scientifically necessary; (2) is required by protocol or other surgical procedures in the protocol; (3) is required to reduce the number of endangered species used; (4) is required to protect the health or well-being of the animal as determined by the attending veterinarian, or (5) involves a routine, elective veterinary surgical or diagnostic procedure. Other special circumstances will be determined by the Secretary on an individual basis. Written requests and supporting data should be sent to the Deputy Administrator, APHIS, for situations not covered above. The Department wishes to stress to the research facilities, and to the Committee, that cost savings alone is not adequate reason to justify multiple survival major surgical procedures on animals.

The law allows for exceptions to compliance with the standards, and prohibits the Secretary from directly interfering with actual research methods and procedures. The Department, therefore, proposes that such exemptions for noncompliance shall be made only when the noncompliance is necessary for the accomplishment of the proposed research, and: (1) Are specified in the research protocol; (2) are explained in detail; and (3) are approved by the Committee. The principal investigator is to file a report with the Committee explaining the reasons for such noncompliance in detail, and a copy of this report is to be kept on file at the facility and available for inspection by USDA inspectors or officials of funding agencies.

The 1985 amendments to the Act require that persons subject to the Act, including research facilities, provide for the exercise of dogs and for a physical environment promoting the psychological well-being of nonhuman primates. The Department proposes that, for research facilities, programs to meet the Department's standards be developed and implemented through the Committee. The Committee shall also maintain a record system indicating that such procedures are being carried out.

The 1985 amendments do not require registration of Federal research facilities or inspection by USDA. The amendments do require that each Federal research facility must have an Institutional Animal Care and Use Committee. The Department proposes that Federal research facilities shall establish Institutional Animal Care and Use Committees as set forth in § 2.35 and that such Committees shall have the same composition, duties, and responsibilities required of nonfederal research facility committees with two exceptions: (1) The Committee will report all deficiencies or deviations to the head of the Federal agency conducting the research, instead of reporting such to APHIS, and (2) the head of the Federal agency conducting the research will be responsible for all corrective actions to be taken by the facility and will grant all exceptions to compliance with standards.

The 1985 amendments to the Act also require that research facilities provide training for scientists, animal technicians, and other laboratory personnel in the handling of regulated animals. The Department proposes that such training be provided through the Committee and the attending veterinarian and be as often as necessary. The Department also proposes that the Committee review, at least once a year, the status of training and the qualifications of researchers who use animals and identify those personnel who require such training. The training system or procedure is to be available for review by USDA inspectors and shall include instruction in at least the following areas: (1) Humane methods of animal maintenance and experimentation; (2) methods that will minimize or eliminate the use of animals, or limit animal pain or distress; (3) utilization of the information service at the National Agricultural Library; (4) how and to whom deficiencies in animal care and treatment can be reported; (5) instruction on the basic needs of each species of animal; (6) familiarization of researchers and laboratory personnel with the intent and requirements of the Animal Welfare Act and other Federal requirements; (7) how to handle and care properly for the various species of animals used by the facility; (8) proper pre- and post-surgical care of animals; (9) proper use of tranquilizers and pain relieving drugs in animals used by the facility; (10) acceptable aseptic surgical procedures and methods, and (11) any other training or procedures the Committee, or the Secretary, may feel is necessary.

The 1985 amendments specify and broaden the responsibilities and duties of the Committee, and the membership of the Committee. In order to carry out the intent of Congress in this regard, the Department proposes that the chairman of the Committee must sign an assurance statement on the annual report certifying that the Committee has carried out its responsibilities and that the facility is following the standards during actual research.

*Attending Veterinarian and Adequate Veterinary Care*

Since the Animal Welfare Act was originally passed in 1967, there has been a continual problem in regards to licensees and registrants providing adequate veterinary care to the animals covered under the Act. Some facilities have not provided required veterinary care and others have switched veterinarians every few months causing confusing situations that are difficult to trace.

Some facilities have indicated the names of veterinarians who had not even been contacted by the facility. Some veterinarians stated that their only contact was on an emergency basis or when animals were brought into their office.

Many other veterinarians had told APHIS that even though they had been contacted by the licensee or registrant they did not know what the Act requires attending veterinarians to do. Most of them indicated that they felt their efforts were a waste of time as their recommendations concerning the health care of the animals were ignored, and they had no authority to see that such recommendations were carried out.

Veterinarians at many research facilities indicated that often they did not have the authority to enter the animal facilities of certain Departments or investigators and thus could not certify what conditions might be at those animal sites. Many of these veterinarians also indicated that due to various local political or managerial systems, their jobs would be in serious jeopardy if they tried to force adequate veterinary care in certain instances or if they refused to certify that all was in compliance at the facility when they, in fact, had no such knowledge.

For these reasons, as well as the mandate of the 1985 amendments to the Act, the Department is proposing a new section, § 2.40 covering the attending veterinarian and adequate veterinary care.

These proposed regulations will require the facility to provide a written program of veterinary care to the Department and will set forth the responsibilities of the veterinarian in regard to the health care of the animals. It is also proposed that the attending veterinarian must be trained and/or experienced in the care and management of the species being attended and accredited by the

Department in accordance with regulations issued by the Secretary under the Animal Welfare Act. In the case of research facilities, more specific duties and responsibilities will be required and the facility will be required to provide the attending veterinarian with the authority to enter all animal sites at any time in order for the attending veterinarian to ascertain and certify the facility's compliance with the Act.

Additionally, at the present time, veterinary care requirements are located in each subpart of Part 3. This is duplicative and unwieldy as each subsection must be consulted for the veterinary requirements. A new section, § 2.40, Attending Veterinarian and Adequate Veterinary Care, is therefore being added to the regulations in Part 2 and will apply to all animals. This new section will simplify the location of veterinary requirements, will eliminate duplicative sections in Part 3, will correct problems of enforcement, and will include the requirements mandated by the 1985 amendments to the Animal Welfare Act.

The Department proposes that each licensed or registered research facility, dealer, or exhibitor shall have an attending veterinarian to care for the animals and to provide guidance and supervision in programs of disease control and prevention, pest and parasite control, pre- and post-procedural care, nutrition, euthanasia, and the health care of all animals on the premises of the dealer, exhibitor, or research facility. A written program of adequate veterinary care between the facility and the veterinarian will be drawn up and reviewed yearly and will include a schedule of visits if a part-time or consulting veterinarian is used. A copy of the written program will be on file at the facility and a copy will be provided to the Area Veterinarian in Charge with the license renewal or annual report. Dealers and exhibitors will not be licensed without such a written program, and research facilities will be cited for violations if they do not have a written program. Each animal is to be observed daily by the dealer, exhibitor, veterinarian, animal caretaker in charge, or someone under the direct supervision of such person and any animals needing care must be provided with such care.

In the case of research facilities, additional requirements are being proposed for the attending veterinarian. First, the attending veterinarian shall be a member of the Institutional Animal Care and Use Committee and shall have the authority to enter all animal rooms, sites, facilities, and animal use areas at any time. Second, the veterinarian is to provide consultation and guidance to principal investigators, and others, during protocol planning, and during actual research, whenever any procedure is likely to produce pain and distress. Such consultation and guidance shall include at least: (1) Assurance of the proper use of tranquilizers or pain relieving drugs; (2) provision for adequate pre-surgical and post-surgical care by laboratory workers; (3) agreement to the withholding of drugs or euthanasia when scientifically necessary and only for the necessary time; and (4) evaluation and approval of all animal surgical areas and the qualifications of personnel involved with animal surgery. Third, the veterinarian is to establish a record system and standard operating procedure to indicate and assure the proper use of drugs; and that proper pre- and post-surgical care are being carried out.

Additionally, the veterinarian will be required to sign a statement on the annual report certifying: (1) That he/she has the authority to enter all animal areas; (2) that he/she has carried out the requirements of § 2.40; and (3) that he/she has read and understands the regulations and standards in Parts 2 and 3.

*Identification of Animals*

Section 2.50 deals with the time and method of identification of animals and has been reorganized in format and content. Paragraph (a) pertains to class "A" dealers (breeders). As before, whenever live dogs or cats leave the premises, they must be identified by: (1) An official tag: or (2) an approved tattoo. Live puppies or kittens less than 16 weeks of age are to be identified by: (1) An official tag; (2) an approved tattoo; or (3) a plastic type collar which contains the information required by § 2.51. The present regulations do not specifically mention how the breeding stock on the premises are to be identified. An attempt was made to handle this problem by policy memorandum, but this has not received wide distribution or uniform enforcement, and the problem of identification of breeding stock remains. In order to correct this, the Department is proposing that all live dogs or cats on the premises must be identified by: (1) An accurate and distinctive description; (2) a tattoo marking; or (3) an official tag. Thus, if there are two or more animals of similar description, marking, and color, they will have to be identified by tags or tattoos. If the color markings and description of an animal are distinctive enough to differentiate the animal from the others, then a description alone can be used.

Paragraph (b) pertains to class "B" dealers. Only one change was made in this paragraph. The present regulations allow for dogs or cats not purchased or acquired in a manner affecting commerce to be identified only when they leave the premises. In order to correct this situation, the Department will consider all dogs or cats obtained by a class "B" dealer to be obtained affecting commerce, and proposes that all dogs and cats must be identified by an official tag or tattoo, or by a plastic type collar if less than 16 weeks of age. The dealer may still use a tag that was on an animal when he acquired it to maintain the animals identity or may replace it with his own tag. Also, any cat which exhibits distress from the attachment of a collar and tag can still be kept in a cage with the tag affixed to the door, but no more than one untagged cat may be kept in a cage.

Paragraph (c) deals with class "C" licensees (exhibitors). Exhibitors have been separated from dealers in order to simplify the regulations. There is also usually much less turnover in dogs and cats with exhibitors than with dealers. Exhibitors may identify dogs or cats with tags or tattoos, or they may use the following alternative method: (1) Keep an official USDA sequentially numbered tag on the door at the animal's cage or run; (2) keep a record book containing the animal's number, a written description of the animal, the data required by § 2.75(a), and a clear photograph of each animal; and (3) keep a second, duplicate tag which is to accompany each dog or cat whenever it leaves the premises. This alternative was allowed at the request of exhibitors using animals for movie and television work. Their concern that tattoos could be picked up on cameras and that collars caused enough damage to the hair around the animals neck to be objectionable for filming was considered reasonable and the Agency therefore proposes the suggested alternative.

Paragraph (e) pertains to dogs and cats obtained by research facilities. This paragraph has been reorganized to indicate that all dogs and cats, regardless of where they were obtained, must be identified by a tag or tattoo. The research facility may use an official tag or tattoo that came on the animal to maintain identification in the records, or they may apply their own tag or tattoo for identification. The Department wishes to advise research facilities that the identification of dogs and cats in many facilities has been very lax and

haphazard. It is the intent of the Department to require proper identification on dogs and cats in research facilities at all times, and this will be strictly enforced.

Section 2.51 deals with the form of the official tag. At the request of several licensed dealers, a second type of tag is being proposed. The present regulations allow a circular tag not less than 1¼ inches in diameter and containing the dealer number, the animal number, and the letters "USDA". The Department proposes to allow also a flat, oblong, tag not less than 2 inches by ¾ inch which is riveted to an acceptable collar. This tag would also contain the information required on the circular tag. Certain dealers believe that such a tag will properly identify the dogs or cats without the possibility of becoming caught in the wire or other parts of the enclosure and would not be readily torn off or lost.

Since the regulations were first written in 1967, it has been prohibited to use any number more than once. Over that period, some dealers have sold a considerable number of animals, and the numbers on their tags are becoming quite large and difficult to place on the tag. In order to correct this situation, the Department is proposing to allow animal identification numbers to be repeated after 5 consecutive years have elapsed. It is possible that a small number of animals from the same dealer or at the same research facility could have the same numbers if kept for over 5 years. The number of such cases would be small however, and there would be at least 5 years difference in their ages, which would serve to differentiate such animals. We do not feel this would cause unresolvable problems with animal identification and are therefore proposing the 5-year limit.

Sections 2.52, 2.53, and 2.54 were not changed except to add the term "research facility," and to indicate the 5-year time period for repeating identification numbers. The wording in § 2.55 (a) and (d) has been rearranged and the 5-year limit on repeating numbers included. No other changes were made in this section.

*Stolen Animals*

In the past few years there have been several instances of dealers buying and selling obviously stolen animals and of a few research facilities obtaining animals under questionable circumstances. One of the major purposes of the Act is to protect the owners of animals from the theft of their animals, and to prevent the sale or use of animals which have been stolen. The Department is, therefore, proposing a new § 2.60 prohibiting the purchase, sale, use, or transportation of stolen animals.

*Records*

Section 2.75 deals with records for dealers and exhibitors. This section has been revised in both format and content. In addition to the information presently required to be maintained for all dogs and cats purchased or otherwise acquired, the Department proposes to require that the vehicle license number and State and the driver's license number and State also be recorded in the records. This proposal is being made due to several recent instances where unscrupulous dealers were deliberately obtaining dogs and cats either by fraudulent means or that were known to have been stolen. By requiring a vehicle license number and driver's license number, such individuals can be traced and the source of the animals better determined. Only editorial or format changes were made in the rest of § 2.75.

Section 2.76 deals with records for research facilities. This section has also been revised in content and format for easier reading. As with the records for dealers above, the Department proposes that when research facilities purchase or otherwise acquire a dog or cat that they also record the vehicle license number and State and the driver's license number and State of the person from whom the animal was obtained. Other changes in this section are editorial in nature.

Section 2.77 deals with records for operators of auction sales. This section has been revised in format. The term "broker" has been added to this section. A "broker" negotiates the sale of animals much like the operator of an auction sale; and may also arrange for their transportation. There are a growing number of "brokers" and auction sales in the country. Under the expanded definition of a "dealer" in the 1976 amendments to the Animal Welfare Act, both "brokers," and "operators of auction sales," are required to obtain licenses as dealers. This type of operator usually does not take possession of the animals nor have holding facilities for animals. Inspections of records must be made by APHIS inspectors, however, to determine the sources and destinations of such animals and whether any unlicensed dealers are involved in animal transactions. We have, therefore, included the term "broker" with the "operator of an auction sale" for recordkeeping purposes.

Section 2.79 deals with health certification and identification of dogs, cats, and nonhuman primates. This section has been revised in format for easier readability and the term "broker" has been added to paragraph (a). The Animal Welfare Act, in section 13(b), provides for an exemption from health certificates for research facilities. This exemption is not presently in the regulations and a new paragraph (b) is added to provide this exemption for research facilities when required. Other changes in this section are editorial in nature. In § 2.81 dealing with the disposition of records, the first sentence in paragraph (b) has been revised to indicate that records must be held for at least 1 year after an animal is euthanized or otherwise disposed.

*Compliance With Standards and Holding Period*

Section 2.100 deals with compliance with the standards in Part 3. This section has been revised to include the requirement to comply with the regulations in Part 2. Due to the 1985 amendments to the Act, a new section on Institutional Animal Care and Use Committees has been added to Part 2. Also, the requirements for adequate veterinary care and for the humane handling of animals have been moved from Part 3 to Part 2. It is therefore necessary to include the requirement for compliance with Part 2 in this section, and this is proposed. The proviso that nothing in the rules, regulations, or standards shall affect or interfere with the design, outlines, guidelines, or performances of actual research or experimentation by a research facility, has been deleted and the proviso has been reworded to indicate the intent of Congress and the requirements of the 1985 amendments. The proposed proviso now states that exceptions to the standards in Part 3 may be made for research facilities only when such exceptions are specified in the research protocol; are explained in detail in a report filed with the Institutional Animal Care and Use Committee; and are approved by the Committee.

Section 2.101 deals with holding periods for dogs and cats by dealers and exhibitors, and approval of holding facilities for dealers and exhibitors. Paragraph (a) of this section requires a 5-day holding period for dogs and cats with two exceptions. One allows for a 1-calendar day holding period if the dogs or cats are obtained from another licensed dealer and have previously completed the 5-day holding period; the second allows for the humane destruction of any sick or injured dog or cat prior to the completion of the 5-day holding period. The Department proposes to retain the 5-day holding period for dogs and cats but to allow

several more exceptions to the holding period. As with the present regulations, a dealer or exhibitor who obtains a dog or cat from another licensed dealer or exhibitor must hold such dog or cat for 1-calendar day, excluding time in transit. This requirement is to be kept, but it is proposed to change the 1-calendar day holding time to a minimum period of 24-hours holding by each subsequent dealer or exhibitor. This would allow the dogs and cats a period of rest for food and water between dealers. The Department also proposes that any live dogs or cats that are obtained from a governmentally owned and operated pound or shelter, that have completed at least a 5-day holding period at the pound or shelter, need only be held by the dealer or exhibitor for a 24-hour period. The pound or shelter must be totally under city or county control and operated by city or county shelters do not qualify for this exception. Additionally, it is proposed that if a dealer or exhibitor obtains a dog or cat 120 days of age or less, from the person who bred and raised the dog or cat, then such animals would only have to be held for a 24-hour period, excluding time in transit. Dogs and cats must still be unloaded from any truck or car for the holding period to begin.

The Department proposes to delete paragraph (c) of this section, which deals with the approval of holding facilities for dealers and exhibitors, and proposes to add a new § 2.102, Holding Facility. Any dealer or exhibitor that wished to have a separate holding facility would still have to make an application to the Area Veterinarian in Charge and both parties would have to agree to comply with the regulations and standards and to allow inspections by Veterinary Services inspectors. Animals at such facilities would remain under the total control of the dealer or exhibitor and no dealer or exhibitor shall be approved as a holding facility for another dealer or exhibitor.

The Department also proposes to add a paragraph (b) to this section which would allow research facilities to apply for approval of holding facilities by the same process as dealers and exhibitors. This capability is not in the present regulations and many research facilities do have animals which are maintained at other locations. Establishing a holding facility approval system for research facilities would give the Department more control over such locations and would correct a field enforcement problem, plus clarify the procedure for establishing such holding facilities for research facilities.

Intermediate handlers and carriers have been added to § 2.125 pertaining to the furnishing of business information, as this section was not revised after the 1976 amendments to the Act. The same addition has been made to § 2.126 which pertains to the access and inspection of records and property. In addition, § 2.126 has been revised in format to make it very plain as to what each licensee and registrant is required to allow and provide. The taking of photographs as part of the inspection process is specifically addressed and made a part of the requirements. Although the Department has always had the authority to take photographs and inspect facilities as the inspector deems necessary, such wording was not plainly written into the regulations and this sometimes became a point of contention between the licensees or registrants and the inspector. The provision that USDA inspectors will take photographs as part of their inspection whenever it is deemed necessary is now to be in the regulations. Changes have been made in § 2.128 which deals with inspection for missing animals. The section has been revised in format, certain editorial changes have been made, and the terms "intermediate handler" and "carrier" have been added as this was not done after the 1976 amendments.

Section 2.129, which deals with the confiscation and destruction of animals, has been given certain editorial changes to improve its readability, and also has been revised to include intermediate handlers and carriers. The Department also proposes to delete the term "adequate veterinary care be given" and to replace it with the term "adequate care be given." This is due to the fact that some instances of animal neglect, which could lead to possible confiscation by the Department, may not technically be veterinary care deficiencies. Such situations as excessive filth or lack of cleaning, lack of proper food or water, or excessive parasites, all lead to a need for veterinary care but are a direct result of poor management and husbandry. The word "veterinary" is being deleted so as to give a broader scope to the concept of lack of adequate care, distress, and suffering. The present regulations require the Department to destroy any confiscated animals if their suffering cannot be corrected by veterinary care, with the licensee or registrant responsible for any costs which may be incurred. The Department intends to charge the licensees and registrants for costs incurred in making such confiscations and in caring for the animals. We do not, however, feel that the unnecessary destruction of animals should be required if suitable facilities can be found in which to place them. The Department, therefore, proposes that any confiscated animals not euthanized may be placed with other licensees or registrants which comply with the standards and regulations, and which can provide proper care. This would allow the Department some latitude in dealing with and disposing of confiscated animals. Paragraph (c) deals with the confiscation of endangered species of animals and requires that certain notifications be made before making any decision as to the destruction of such animals. The Department proposes to add marine mammals in this paragraph.

Handling of animals has been defined under § 1.1(dd) of 9 CFR to cover most instances of human contact with animals. When Congress amended the Animal Welfare Act in 1970 (Pub. L. 91-579) to include all warmblooded animals used for research or exhibition purposes or sold as pets, a paragraph concerning "handling" was incorporated into the new subsection in Part 3-Standards, which pertained to animals other than dogs, cats, rabbits, hamsters, guinea pigs, and nonhuman primates. This handling paragraph pertained to the humane treatment of "other animals" by human beings. A similar paragraph was not added to the existing four subsections covering the above named species. In 1979, standards covering marine mammals were added with a handling paragraph to cover the humane treatment of marine mammals. Again, a similar paragraph was not added to the original four subsections.

During the period since the Amendments of 1970, the Department's efforts to enforce the Animal Welfare Act and to prosecute inhumane handling and animal abuse cases by licensees and registrants in regard to dogs, cats, rabbits, guinea pigs, hamsters, and nonhuman primates has been hampered due to a lack of handling requirements for these animals. Some serious occurrances of animal abuse have occurred with nonhuman primates and dogs by licensees and registrants, and the Department has been unable to take appropriate corrective action. This clearly does not satisfy the intent of Congress in passing the Animal Welfare Act.

A new § 2.131 Handling, is therefore proposed to be added to the regulations in Part 2. In the present regulations and standards only subparts E and F in Part 3 contain requirements on handling. Similar requirements are not found in

the other subparts. Handling requirements pertain to the humane treatment, care, working, training, and transporting, concerning warmblooded animals. Animals must be protected form unnecessary discomfort, harm, trauma or distress, and may not be physically abused or deprived of food or water in order to work, train, or handle the animals. The Department intends that animals should be exhibited only under conditions consistent with their good health, and should have rest periods; that a knowledgeable uniformed attendant must be present at all times during public contact with the animals; that when dangerous animals are allowed to have public contact they must be under the direct control and supervision of an experienced handler; and that if public feeding is allowed the facility must provide the feed which must be appropriate to the type of animal and its needs. There must also be sufficient barriers or distance between the animals and the public so as reasonably to assure the safety of both, and drugs are not to be used to facilitate or allow public handling.

Rather than adding similar sections to each of the subparts in Part 3, it was decided to place the handling requirements in Part 2 so that it would apply to all regulated animals. This would simplify the regulations and standards, would make the requirements more easily found for reference, and would allow the Department to take appropriate action when such instances were discovered.

In the past few years there have been several instances of licensed dealers obtaining dogs and cats by fraudulent means and apparently knowingly purchasing stolen animals. These dealers were all class "B" dealers who buy and sell animals and the dogs and cats were all random source type animals, that is, they were not purchased from the persons who bred and raised the animals. The Department has also noted an increase in licensed dealers buying dogs and cats at flea markets or trade-day type sales. These animals are purchased from anyone and are usually purchased one, two, or three dogs or cats at a time. Many times the sellers have just recently acquired the dogs or cats and they are not what one would consider a family pet and have not been bred and raised by the persons who sold them. The net effect of the above types of activity is to encourage animal theft for profit. The theft of dogs and cats to supply the needs of research facilities is one of the basic reasons that the original Animal Welfare Act was passed. The above type of activity is, therefore, not in keeping with the original intent of Congress to protect animal owners from the theft of their pets. We certainly do not believe that a research facility would knowingly purchase stolen animals, but after such animals have gone through a dealer, there is no way to tell if such animals were possibly stolen.

In order to carry out the intent of Congress, and to attempt to stop the types of activity illustrated above, the Department is proposing that a new § 2.132, Procurement of random source dogs and cats by dealers be added to the regulations. It is proposed that class "B" dealers may obtain live random source dogs and cats only from State, county, or city owned and operated pounds or shelters. The class "B" dealer would not be able to obtain random source dogs and cats from nongovernment, contract, or humane pounds or shelters, or from individuals who did not breed and raise the dogs or cats on their own premises. Dealers could obtain nonrandom source dogs or cats from the person who bred and raised them, and could also breed their own dogs and cats for sale to research facilities and other concerns. It is believed that this restriction, plus the proposed requirement in § 2.75 whereby dealers must record the vehicle license number and State, and the drivers license number and State, for whomever they obtain animals from, would effectively block the growing activity in stolen and in fraudulently obtained dogs and cats.

**Comments**

Written comments are solicited for 60 days after publication of this document in the **Federal Register** and should refer to Docket Number 84-010.

**Paperwork Reduction Act**

In accordance with section 3507 of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the information collection provisions that are included in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB). Written comments concerning information collection provisions should be submitted to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for APHIS, Washington, DC 20503. A duplicate copy of such comments should be submitted to Dr. R.L. Crawford, Animal Care Staff, VS, APHIS, USDA, Room 756, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

**Executive Order 12291 and Regulatory Flexibility Act**

This proposed rule is issued in conformance with Executive Order 12291 and has been determined not to be a "major rule." Based on information available to the Department, it has been determined that this proposal would not have significant effect on the economy; would not cause a major increase in costs or prices for consumers, individual industries, Federal, State, local government agencies, or geographic regions; and would not cause adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Alternatives were considered for this proposal. Consideration was given to developing only the regulations and standards required by the 1985 amendments to the Act. A review of 9 CFR, Chapter 1, Subchapter A—Animal Welfare, had recently been completed however. There was a need for revision and updating of Parts 1, 2, and 3 and reorganization of many sections for clarification and easier reading were desirable. It was, therefore, decided to incorporate a general revision and reorganization of Parts 1, 2, and 3 with the development of regulations and standards required by the 1985 amendments. Such a course of action would cause minimal disruption to program operations, and would shorten the period of uncertainty for the regulated industry. It would also allow for the publication of Parts 1, 2, and 3 in their entirety, as sections or subsections, rather than the publication of changes by paragraph at several different times. This would provide field personnel with a complete set of requirements in one document instead of spreading them through two or three documents. The only other alternative was to make no revisions or changes. This option was not viable as it would not comply with the requirements of the 1985 amendments, and it would not provide the needed reorganization, clarification and corrections that were necessary in the existing regulations and standards.

It is not anticipated that the adoption of these proposed changes would have a significant impact on a substantial number of small entities as defined in the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* Some of the proposed changes would ease the burden and lessen the impact of regulation on licensed dealers and exhibitors. Some of the proposed changes, as required by

the 1985 amendments to the Animal Welfare Act, will increase the regulatory burden on research facilities and will increase the cost of doing research on animals. Some of the proposed changes will ease the workload on USDA inspectors and other changes will require an increase in inspection time for inspectors.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

**Executive Order 12372**

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. (See 7 CFR Part 3015, Subpart V).

**List of Subjects in 9 CFR Part 2**

Licensing, Registration, Identification of animals, Records, Institutional animal care and use committees and adequate veterinary care, miscellaneous.

Accordingly, we propose to amend 9 CFR as follows:

Part 2 is revised to read as follows:

## PART 2—REGULATIONS

**Subpart A—Licensing**

Sec.



**Subpart B—Registration**



**Subpart C—Institutional Animal Care and Use Committee and Other Requirements for Research Facilities**



**Subpart D—Attending Veterinarian and Adequate Veterinary Care**



**Subpart E—Identification of Animals**



**Subpart F—Stolen Animals**



**Subpart G—Records**



**Subpart H—Compliance With Standards and Holding Period**



**Subpart I—Miscellaneous**



**Authority:** 7 U.S.C. 2133, 2135, 2136, 2140, 2141, 2142, 2143, 2144, 2146, 2147, 2151; 7 CFR 2.17, 2.51, and 371.2(d).

### Subpart A—Licensing

**§ 2.1 Requirements and application.**

(a)(1) Any person, 18 years of age or older, operating or desiring to operate as a dealer, exhibitor, or operator of an auction sale except persons who are exempted from the licensing requirements under paragraph (a)(3) of this section, must have a license. Such person shall apply for a license on a form which will be furnished by the Area Veterinarian in Charge in the State in which such person operates or intends to operate. The applicant shall provide the information requested on the application form which shall include a valid mailing address through which the licensee or applicant can be reached at all times, and a valid premises address where animals, animal facilities, equipment, and records may be inspected for compliance. The applicant shall file the completed application form with the Area Veterinarian in Charge.

(2) If an applicant for a license operates in more than one State, he/she shall apply in the State in which he/she has the principal place of business. All premises, facilities, or sites where such person operates or keeps animals shall be indicated on the application form or on a separate sheet attached to it. The completed application form, along with the application fee indicated in paragraph (d) of this section, and the annual license fee indicated in Table 1 or 2 of § 2.6 shall be filed with the Area Veterinarian in Charge.

(3) The following persons are exempt from the licensing requirements under section 2 or section 3 of the Act:

(i) Retail pet stores which sell nondangerous, pet-type animals, such as dogs, cats, birds, rabbits, hamsters, guinea pigs, gophers, mink, domestic ferrets, chinchilla, rats, and mice, for pets, at retail only. *Provided that:* Anyone wholesaling any animals or selling any wild or exotic animals or other nonpet animals retail, or selling any animals for research or exhibition requires a license;

(ii) Any person who sells or negotiates the sale or purchase of any animal except wild or exotic animals, dogs, or cats, and who derives no more than $500 gross income from the sale of such animals to a research facility, an exhibitor, a dealer, or a pet store during any calendar year and is not otherwise required to obtain a license;

(iii) Any person who maintains a total of three (3) or fewer breeding female dogs or cats and who sells the offspring of these dogs or cats, which were born and raised on their premises, for pets or exhibition, and is not otherwise required to obtain a license;

(iv) Any person who sells fewer than 25 dogs or cats per year which were born and raised on his premises, for research purposes or to any research facility and does not otherwise qualify for licensing. The sale of any dog or cat not born and raised on the premises for research purposes requires a license;

(v) Any person who arranges for transportation or transports animals solely for the purpose of breeding, exhibiting in purebred shows, boarding (not in association with commercial transportation), grooming, or medical treatment, and is not otherwise required to obtain a license;

(vi) Any person who buys, sells, transports, or negotiates the sale, purchase, or transportation of any

animals used only for the purposes of food or fiber (including fur);

(vii) Any person who breeds and raises domestic pet animals for direct retail sales to others for their own use and who buys no animals for resale and who sells no animals to a research facility, an exhibitor, a dealer, or a pet store (e.g., a purebred dog or cat fancier) and does not otherwise qualify for licensing;

(viii) Any person who buys animals solely for his own use or enjoyment and does not sell or exhibit animals, or otherwise qualify for licensing.

(b) Any person who sells fewer than 25 dogs or cats per year, for research or teaching purposes, and who does not otherwise qualify for licensing may obtain a voluntary license, provided the animals were born and raised on such person's premises. Such person shall comply with the requirements for dealers set forth in this part and the Specifications for the Humane Handling, Care, Treatment, and Transportation of Dogs and Cats set forth in Part 3 and shall agree in writing on a form furnished by Veterinary Services to comply with all the requirements of the Act and this subchapter. Voluntary licenses will not be issued to any other persons.

(c) No person shall have more than one license.

(d) A license will be issued to any applicant, except as provided in §§ 2.10 and 2.11, when the applicant has met the requirements of this section and of §§ 2.2 and 2.3, and has paid the application fee of $10 and the annual license fee indicated in § 2.6 to the Area Veterinarian in Charge and the payment has cleared normal banking procedures. The applicant may pay such fees by certified check, cashier's check, personal check, or money order. An applicant whose check is returned by a bank will be charged a fee of $15 for each returned check and will be required to pay all subsequent fees by certified check, money order, or cashier's check. A license will not be issued until payment has cleared normal banking procedures.

(e) On or before the termination date of the license, a licensee who wishes a renewal shall submit to the Area Veterinarian in Charge the application fee of $10, plus the annual license fee indicated in § 2.6 by certified check, cashier's check, personal check, or money order. An applicant whose check is returned by the bank will be charged a fee of $15 for each returned check. One returned check will be deemed nonpayment of fees and will result in denial of license. Payment of fees must then be made by certified check, cashier's check, or money order. An applicant will not be licensed until his or her payment has cleared normal banking procedures.

(f) The failure of any person to comply with any provision of the Act, or any of the provisions of the regulations or standards in this subchapter, shall constitute grounds for denial of license, or for its suspension or revocation by the Secretary, as provided in the Animal Welfare Act.

**§ 2.2 Acknowledgement of regulations and standards.**

A copy of the applicable regulations and standards will be supplied to the applicant with each request for a license application. The applicant shall acknowledge receipt of such standards and agree to comply with them by signing the application form before a license will be issued.

**§ 2.3 Demonstration of compliance with standards and regulations.**

(a) Each applicant must demonstrate that his/her premises and any animals, facilities, vehicles, equipment, or other premises used or intended for use in the business comply with the regulations and standards set forth in Parts 2 and 3 of this subchapter before a license will be issued. The applicant must make his/her animals, premises, facilities, vehicles, equipment, other premises, and records available for inspection, during business hours and/or at other times mutually agreeable to the applicant and Veterinary Services, to ascertain the applicant's compliance with the standards and regulations.

(b) If the applicant's animals, premises, facilities, vehicles, equipment, other premises, or records do not meet the requirements of this subchapter, the applicant will be advised of existing deficiencies and the corrective measures that must be completed to come into compliance with the standards and regulations. Issuance of the license will be denied until the animals, premises, facilities, vehicles, equipment, other premises and records are in compliance with all standards and regulations in this subchapter.

**§ 2.5 Duration of license and termination of license.**

(a) A license issued under this part shall be valid and effective for 1 year unless:

(1) Said license has been revoked or suspended pursuant to section 19 of the Act.

(2) Said license is voluntarily terminated upon request of the licensee, in writing, to the Veterinarian in Charge.

(3) Such license has been terminated under this part.

(4) The applicant has failed to pay the application fee and the annual license fee as required in §§ 2.1 and 2.6.

There will be no refund of fees if a license is terminated prior to its expiration date.

(b) Any person who is licensed must file an application for a license and annual report form (VS Form 18-3) as required by § 2.7, and pay the required fees, on or before the termination date of the present license or the license shall automatically terminate on its anniversary date. The licensee will be notified by mail at least 60 days prior to the termination date of the license. Failure to comply with the annual reporting requirements, or to pay the required license fees prior to the termination date of the license, shall result in automatic termination of such license on the anniversary date of the license.

(c) Licensees must accept delivery of registered mail or certified mail notice and provide the Area Veterinarian in Charge notice of their address in conformity with the requirements in § 2.1.

(d) Any person who seeks the reinstatement of a license which has been automatically terminated must follow the procedure applicable to licensees set forth in § 2.1.

(e) Licenses are issued to persons for specific premises and do not transfer upon change of ownership or location.

(f) A license which is invalid under this part shall be surrendered to the Area Veterinarian in Charge. If the license cannot be found, a written statement so stating shall be provided to the Area Veterinarian in Charge.

**§ 2.6 Annual license fees.**

(a) In addition to the application fee of $10 required to be paid upon the application for a license under § 2.1, each licensee shall submit to the Area Veterinarian in Charge the annual license fee prescribed in this section. Paragraph (b) of this section indicates the method used to calculate the appropriate fee. The amount of the fee is determined from Table 1 or 2 of this section.

(b)(1) *Class "A" license.* Except as provided in paragraphs (b) (4) and (5) of this section, the annual license fee for a Class "A" dealer shall be based on 50 percent of the total gross amount, expressed in dollars, derived from the sale of animals to research facilities, dealers, exhibitors, retail pet stores, and persons for use as pets, directly or through an auction sale, by the dealer or

applicant during his or her preceding business year (calendar or fiscal) in the case of a person who operated during such a year. If animals are leased, the lessor shall pay a fee based on 50 percent of any compensation received from such animals and the lessee shall pay a fee based upon the net compensation received from such leased animals, as indicated for dealers in Table 1 of this section.

(2) *Class "B" license.* Except as provided in paragraphs (b) (4) and (5) of this section, the annual license fee for a Class "B" dealer shall be established by calculating the total amount received from the sale of animals to research facilities, dealers, exhibitors, retail pet stores, and persons for use as pets, directly or through an auction sale, during the preceding business year (calendar or fiscal) less the amount paid for such animals, by the dealer or applicant. This net difference, exclusive of other costs, shall be the figure used to determine the license fee of a Class "B" dealer or an applicant for a Class "B" license. If animals are leased, the lessor and lessee shall each pay a fee based on the net compensation received from such animals calculated from Table 1 of this section.

(3) Except as provided in paragraphs (b) (4) and (5) of this section, the annual license fee for a broker or an operator of an auction sale shall be that of a class "B" dealer and shall be based on the total gross amount, expressed in dollars, derived from commissions or fees charged for the sale of animals, or negotiating the sale of animals, by brokers, or by the operator of an auction sale to research facilities, dealers, exhibitors, retail pet stores, and persons for use as pets, during the preceding business year (calendar or fiscal).

(4) In the case of an applicant for a license as a dealer who operated at least 6 months of his preceding business year but not the entire year, the annual license fee shall be computed by estimating the yearly volume of business on the basis of the business done during the period of operation.

(5) In the case of an applicant for a license as a dealer who did not operate for at least 6 months during his preceding business year, the annual license fee will be based on the anticipated yearly dollar amount of business, as provided in paragraphs (b) (1), (2), and (3) of this section, derived from the sale of animals to research facilities, dealers, exhibitors, retail pet stores, and persons for use as pets, directly or through an auction sale.

(6) The amount of the annual fee required to be paid upon application for a class "C" license as an exhibitor under this section shall be based on the number of animals which the exhibitor owned, held, or exhibited at the time the application is signed and dated or during the previous year, whichever is greater, and will be the amount listed in Table 2. Animals which are leased shall be included in the number of animals being held by both the lessor and the lessee when calculating the annual fee. An exhibitor shall pay his/her annual license fee on or before the termination date of the license and the fee shall be based on the number of animals which the exhibitor is holding or has held during the year (both owned and leased).

(c) The license fee shall be computed in accordance with the following tables:

TABLE 1.—DEALERS, BROKERS, AND OPERATORS OF AN AUCTION SALE, CLASS "A" AND "B" LICENSE

| Over | But not over | Fee |
|---|---|---|
| 0 | $500 | $50 |
| $500 | 2,000 | 100 |
| 2,000 | 10,000 | 200 |
| 10,000 | 25,000 | 400 |
| 25,000 | 50,000 | 600 |
| 50,000 | 100,000 | 800 |
| 100,000 | | 1,000 |

TABLE 2.—EXHIBITORS—CLASS "C" LICENSE

| | Fee |
|---|---|
| Number of animals: | |
| 1 to 5 | $50 |
| 6 to 25 | 125 |
| 26 to 50 | 250 |
| 51 to 500 | 375 |
| 501 and up | 500 |

(d) If a person meets the licensing requirements for more than one class of license, he shall be required to pay the fee for the type business which is predominant for his operation, as determined by the Secretary.

(e) In any situation in which a licensee shall have demonstrated in writing to the satisfaction of the Secretary that he has good reason to believe that the dollar amount of his business for the forthcoming business year will be less than the previous business year, then his estimated dollar amount of business shall be used for computing the license fee for the forthcoming business year: *Provided, however:* That if such dollar amount, upon which the license fee is based, for that year does in fact exceed the amount estimated, the difference in amount of the fee paid and that which was due based upon such actual dollar business upon which the license fee is based, shall be payable in addition to the required annual license fee for the next subsequent year, on the anniversary date of his license as prescribed in this section.

**§ 2.7 Annual report by licensees.**

(a) Each year, within 30 days prior to the termination date of his/her license, a licensee shall file with the Area Veterinarian in Charge an application for license and annual report upon a form which will be furnished to him upon request to the Area Veterinarian in Charge. When the requirements of §§ 2.1, 2.2, 2.3, and 2.6 have been met, the license will be issued subject to the exceptions in §§ 2.5, 2.10, and 2.11.

(b) A person licensed as a dealer shall set forth in his/her license application and annual report the dollar amount of business, upon which the license fee is based, from the sale of animals, directly or through an auction sale, to research facilities; dealers; exhibitors; retail pet stores; and persons for use as pets, by the licensee during the preceding business year (calendar or fiscal) and such other information as may be required thereon.

(c) A licensed dealer who operates as a broker or an operator of an auction sale shall set forth in his/her license application and annual report the total gross amount, expressed in dollars, derived from commissions or fees charged for the sale of animals by the licensee to research facilities, dealers, exhibitors, retail pet stores, and persons, for use as pets, during the preceding business year (calendar or fiscal), and such other information as may be required thereon.

(d) A person licensed as an exhibitor shall set forth in his/her license application and annual report the number of animals which are owned, held, or exhibited by him or her, including those which are leased, during the previous year or at the time he signs and dates the report, whichever is greater.

(e) The licensee shall have his/her attending veterinarian sign a statement on the annual report certifying that the attending veterinarian has read and understands the regulations and standards under the Animal Welfare Act, and that he/she has visited the premises and has carried out the responsibilities as indicated in the regulations and in the written program of adequate veterinary care.

**§ 2.8 Notification of change of name, address, control, or ownership of business.**

A licensee shall promptly notify the Area Veterinarian in Charge by certified mail of any change in the name, address, management, or substantial control or ownership of his business or operation,

or by any additional sites, within 10 days after such change.

**§ 2.9 Officers, agents, and employees of licensees whose licenses have been suspended or revoked.**

Any person who has been or is an officer, agent, or employee of a licensee whose license has been suspended or revoked and who was responsible for or participated in the violation upon which the order of suspension or revocation was based will not be licensed within the period during which the order of suspension or revocation is in effect.

**§ 2.10 Licensees whose licenses have been suspended or revoked.**

(a) Any person whose license has been suspended for any reason shall not be licensed in his/her own name or in any other manner within the period during which the order of suspension is in effect. No partnership, firm, corporation, or other legal entity in which any such person has a substantial interest, financial or otherwise, will be licensed during such period.

(b) Any person whose license has been revoked shall not be eligible to apply for a license in his/her own name or in any other manner; nor will any partnership, firm, corporation, or other legal entity in which any such person has a substantial interest, financial or otherwise, be eligible to apply for a license.

(c) Any person whose license has been suspended or revoked shall not buy, sell, transport, exhibit, or deliver for transportation, any animal during such period of suspension or revocation.

**§ 2.11 Denial of license.**

(a) A license will not be issued to any applicant who:

(1) Has not complied with the requirements of §§ 2.1, 2.2, or 2.3, or has not paid the fees indicated in § 2.6;

(2) Is not in compliance with any of the regulations or standards in this subchapter;

(3) Has had a license suspended or revoked as set forth in § 2.10;

(4) Has been fined, sentenced to jail, or pled nolo contendere (no contest) under State or local cruelty to animal laws within 1 year of application;

(5) Has made any false or fraudulent statements, or provided any false or fraudulent records to the Department; or

(6) Has interfered with, threatened, abused (including verbal abuse), or harassed any Veterinary Services inspector in the course of carrying out his/her duties.

(b) An applicant whose license application has been denied may request a hearing in accordance with the applicable rules of practice for the purpose of showing why the application for license should not be denied. Such license denial shall remain in effect until the final legal decision has been rendered. Should the license denial be upheld, the applicant may again apply for a license 1 year from the date of the final order denying the application, or if his/her license has been suspended, after the end of the suspension period.

(c) No partnership, firm, corporation, or other legal entity in which a person whose license has been suspended or denied, has a substantial interest, financial or otherwise, will be licensed within 1 year of such license denial or until the license suspension period has been completed.

## Subpart B—Registration

**§ 2.25 Requirements and procedures.**

(a) Each research facility, carrier, and intermediate handler and each exhibitor not required to be licensed under section 3 of the Act and the regulations of this subchapter, shall register with the Secretary by completing and filing a properly executed form which will be furnished, upon request, by the Area Veterinarian in Charge. Such registration form shall be filed with the Area Veterinarian in Charge for the State in which the registrant has his principal place of business, and shall be updated every 3 years by the completion and filing of a new registration form which will be provided by the Area Veterinarian in Charge. Where a school or department of a university or college uses or intends to use animals for research, tests, experiments, or teaching, the university or college rather than the school or department will be considered the research facility and will be required to register with the Secretary. An official who has the legal authority to bind the parent organization shall sign the registration form.

(b) In any situation in which a school or department of a university or college is a separate legal entity and its operations and administration are independent of those of the university or college, upon proper showing thereof to the Secretary, the school or department will be registered rather than the university or college.

(c) A subsidiary of a business corporation, rather than the parent corporation, will be registered as a research facility or exhibitor unless the subsidiary is under such direct control of the parent corporation that to effectuate the purposes of the Act, the Secretary determines that it is necessary that the parent corporation be registered.

**§ 2.26 Acknowledgment of regulations and standards.**

A copy of the regulations and standards in this Subchapter will be supplied with each registration form. The registrant shall acknowledge receipt of such regulations and standards and agree to comply with them by signing a form provided for such purpose by Veterinary Services. Such form shall be filed with the Area Veterinarian in Charge.

**§ 2.27 Notification of change of operation.**

(a) A registrant shall notify the Area Veterinarian in Charge by certified mail of any change in the name or address, or any change in the operations or business, which would affect its status as a research facility, exhibitor, carrier, or intermediate handler, within 10 days after making such change.

(b)(1) A registrant which has not used, handled, or transported animals for a period of at least 2 years may be placed in an inactive status by making a written request to the Area Veterinarian in Charge. A registrant shall file an annual report of its status (active or inactive). A registrant shall notify the Area Veterinarian in Charge in writing at least 10 days before using, handling, or transporting animals again after being in an inactive status.

(2) A registrant which goes out of business or which ceases to function as a research facility, carrier, intermediate handler, or exhibitor, or which changes its method of operation so that it no longer uses, handles, or transports animals, and which does not plan to use, handle, or transport animals again at any time in the future, may have its registration canceled by making a written request to the Area Veterinarian in Charge. Such facility is responsible for reregistering and demonstrating its compliance with the Act and regulations should it start using, handling, or transporting animals at any time after such registration is canceled.

**§ 2.28 Annual report of research facilities.**

(a) The reporting facility shall be that segment of the research facility, or that department, agency, or instrumentality of the United States, that uses or intends to use live animals in research, tests, experiments, or for teaching. Each reporting facility shall submit an annual report to the Area Veterinarian in Charge for the State where the facility is located on or before December 1 of each calendar year. The report shall be signed by the attending veterinarian, the Institutional Animal Care and Use Committee Chairman, and the Chief Executive Officer of the facility, and

shall cover the previous Federal fiscal year of October 1 through September 30.

(b) Such report shall:

(1) Show that professionally acceptable standards governing the care, treatment, and use of animals, including appropriate use of anesthetic, analgesic, and tranquilizing drugs, during pre- and post-surgical care, and during actual research, teaching, testing, surgery, or experimentation were followed by the research facility;

(2) Assure that the principal investigator has considered alternatives to painful procedures;

(3) Assure that the facility is adhering to the standards and regulations under the Animal Welfare Act. An explanation for any deviation from the standards and regulations shall be attached to the report;

(4) State the location of the facility or facilities where animals were housed or used in actual research, testing, teaching, or experimentation;

(5) State the common names and the numbers of animals upon which teaching, research, experiments, or tests were conducted involving no pain, distress, or use of pain-relieving drugs. Routine procedures (e.g., injections, tattooing, blood sampling) should be reported with this group;

(6) State the common names and the numbers of animals upon which experiments, teaching, research, surgery, or tests were conducted involving accompanying pain or distress to the animals and for which appropriate anesthetic, analgesic, or tranquilizing drugs were used;

(7) State the common names and the numbers of animals upon which teaching, experiments, research, surgery, or tests were conducted involving accompanying pain or distress to the animals and for which the use of appropriate anesthetic, analgesic, or tranquilizing drugs would adversely affect the procedures, results, or interpretation of the teaching, research, experiments, surgery, or tests. A detailed statement on the procedures producing pain or distress in these animals and explaining the reasons such drugs were not used shall be attached to the annual report;

(8) State the common names and the numbers of animals being bred, conditioned or held for use, teaching, testing, experiments, research, or surgery but not yet used for such purposes; and

(9) Include a statement by the Chief Executive Officer of the facility that the attending veterinarian and the Institutional Animal Care and Use Committee have the authority to enter any animal area, at any reasonable time, in order to carry out their responsibilities as set forth under §§ 2.35 and 2.40; and that the Committee has satisfactorily carried out its responsibilities; and that the facility complies with the Act, regulations, and standards.

(c) Such annual report shall be certified by the attending veterinarian of the research facility and by the Institutional Animal Care and Use Committee Chairman as indicated in §§ 2.35(g) and 2.40(e)(2)(iii). This report will also indicate whether the nonaffiliated member concurs or does not concur with the report.

## Subpart C—Institutional Animal Care and Use Committee and Other Requirements for Research Facilities

### § 2.30 Additional requirements for research facilities.

(a) Each research facility using or holding animals for research, testing, or teaching shall ensure:

(1) That animal pain and distress are minimized;

(2) That adequate veterinary care including the appropriate use of anesthetics, analgesics, tranquilizing drugs, or euthanasia, are provided for at all times; and

(3) That animals are housed and cared for according to this subchapter and that any deviations are fully explained and approved by the Committee.

(b) Each research facility shall establish and maintain an Institutional Animal Care and Use Committee (Committee).

(c) Each research facility shall provide the Committee and the attending veterinarian with the authority to enter all animal areas at any reasonable time in order to carry out their responsibilities.

(d) Each research facility shall require that all research protocols falling under Categories 3 and 4 of § 2.35(b)(3)(ii) which use live warmblooded animals must be approved by the Committee, including the attending veterinarian, prior to the start of any such research, testing, or teaching; that the principal investigator shall consider alternatives to any procedure likely to produce pain or distress in an experimental animal; and that the principal investigator will document such considerations in a written statement to the Committee as required by § 2.35.

(e) Each research facility, in any practice which might reasonably be expected to cause pain to an animal, shall establish a written policy:

(1) Ensuring that the attending veterinarian is consulted in the planning of such procedures and during the procedure;

(2) Providing for the proper use of anesthetics, analgesics, and tranquilizers in accordance with the directions of the attending veterinarian and the accepted or common veterinary usage of such drugs;

(3) Ensuring that all pre-surgical, surgical, and post-surgical care by laboratory workers is in accordance with established veterinary medical and nursing procedures, and that such care, surgical rooms, and qualifications of surgical personnel have been evaluated and approved by the attending veterinarian;

(4) Prohibiting the use of paralytic drugs without anesthesia.

(f) The research facility shall establish procedures which assure that no animal is used in more than one major operative experiment from which it is allowed to recover except as provided in § 2.35.

(g) Exceptions to the requirements of paragraphs (e) and (f) of this section may be made only when specified by the research protocol and approved by the Committee. The withholding of anesthetics, analgesics, tranquilizers, or euthanasia shall be done only when scientifically necessary and shall continue only for the necessary period of time. Exceptions to any of the requirements of paragraphs (e) and (f) of this section shall be detailed and explained by the principal investigator in a written report filed with the Committee. A copy of such report approved by the Committee shall be attached to the facility's annual report to the Department.

### § 2.35 Institutional Animal Care and Use Committee.

(a) *Membership.* (1) Each research facility shall establish and maintain an Institutional Care and Use Committee;

(2) The members of each Committee shall be appointed by the Chief Executive Officer of the research facility;

(3) The Committee shall be composed of a chairman and at least two additional members;

(4) Committee members shall possess sufficient ability to assess animal care, treatment, and practices in experimental research as determined by the needs of the research facility.

(5) Of the members of the Committee: (i) At least one shall be a Doctor of Veterinary Medicine who is the attending veterinarian for the research facility and who is accredited by the U.S. Department of Agriculture in accordance with regulations issued by

the Secretary under the Animal Welfare Act;

(ii) At least one shall not be affiliated in any way with such facility other than as a member of the Committee and shall not be a member of the immediate family of a person who is affiliated with such facility. The Secretary intends that such person will provide representation for general community interests in the proper care and treatment of animals;

(6) If the Committee consists of more than three members, not more than three members shall be from the same administrative unit of such facility;

(7) The research facility shall maintain an up-to-date list of Committee members and shall indicate for each member his/her name, degrees, position, qualifications, address, and telephone number. A copy of the current list of Committee members shall be maintained by the attending veterinarian for the facility and shall be made available for inspection by APHIS officials.

(b) *Duties and responsibilities*—(1) *Inspections.* (i) The Committee shall inspect at least twice a year, no more than 6 months apart, all animal study areas and animal facilities of the research facility and shall review as part of the inspection:

(A) All practices and procedures involving pain to animals, and

(B) The condition of all animals, in order to ensure compliance with the provisions of the Act and to minimize pain and distress to the animals.

(ii) The Committee shall use Title 9, Chapter 1, Subchapter A—*Animal Welfare,* as a basis of its inspection of animal areas and facilities.

(iii) Exceptions to the requirement of inspection of animal study areas may be made by the Secretary if the animals are studied in their natural environment and the study area prohibits easy access. Requests for such exemption shall be addressed to the Deputy Administrator, APHIS, Room 756, 6505 Belcrest Road, Hyattsville, MD 20782, and shall clearly set forth the reasons why such inspections cannot be made.

(2) *Reports.* (i) After each inspection is completed, the Committee shall file an inspection certification report at a central location at the research facility. Such reports shall be available to APHIS officials and to officials of funding Federal agencies for inspection and copying. Such reports shall contain at least the following:

(A) The date the inspection was made;

(B) The signature of a majority of the Committee members and any minority views of the Committee;

(C) Reports of:

(*1*) Any violations of the regulations, standards, or assurances required by the Secretary, including any deficient conditions of animal care or treatment and any findings and recommendations of the Committee;

(*2*) Any deviations of research practices from the originally approved proposals (protocols) that adversely affect animal welfare;

(*3*) Any notification to the facility regarding such conditions, deviations, or deficiencies;

(*4*) Any corrections made by the facility; and

(*5*) Any other information pertinent to the activities of the Committee and the status or condition of the animal facilities; and

(D) An assurance statement by the Committee that its members have reviewed all painful procedures using animals and that such procedures: (1) Are in accordance with the research protocols, procedures, and practices approved by the Committee, (2) are in accordance with any changes or special procedures approved by the Committee, or (3) are not in accordance with the approved protocols, procedures, or practices, and that the investigator(s) has been instructed to cease such methods and procedures immediately and to comply with the protocols, procedures, and practices approved by the Committee.

(ii) The Committee: (A) Shall notify the administrative representative of the research facility of any deficiencies in complying with the Act, regulations, or standards found on inspection. If, 30 days after notification and opportunity for correction, such deficiencies remain uncorrected, the Committee shall notify the Deputy Administrator and any funding Federal agency of such deficiencies in writing and shall provide a copy of its report and notification to the administrative representative of the facility; and

(B) Shall provide a copy of any report showing deficiencies in complying with the regulations or standards to the Veterinary Services inspector(s) and any funding Federal agency of the project with respect to which uncorrected deficiencies occurred.

(iii) The Committee shall establish a reporting procedure whereby laboratory or research facility personnel or employees can report violations of any regulation or standard established under the Act including problems, deviations, or deficiencies with animal housing, care, or use. The Committee shall review and, if warranted, investigate any such reports, in addition to the biyearly inspections, and shall prepare and file a report at the central location specified in paragraph (b)(2)(i) of this section, indicating the nature of the problem or complaint; the Committee's findings; and any corrective actions taken. No facility employee, Committee member, or laboratory personnel shall be discriminated against or be subject to any reprisal for reporting violations of any regulation or standard under the Act.

(iv) Any reports required by this section shall remain on file for at least 3 years at the research facility and shall be available for inspection and review by APHIS inspectors and any funding Federal agency.

(3) *Reviews.* (i) Upon the request of the Deputy Administrator, the Committee shall make available for review to assure compliance with the provisions of the Act all research protocols involving animals and all assurance statements required by the U.S. Public Health Service (PHS) or any other funding Federal agency. The USDA inspectors shall maintain the confidentiality of such information.

(ii) No research, testing, or teaching involving protocols falling under Categories 3 and 4 in this paragraph performed by a facility's personnel at any location shall commence prior to approval by the Committee. Prior to granting approval, the Committee shall ensure that protocols in any of the categories listed below contain provisions for acceptable and proper animal care, treatment, practices, methods, and use of pain-relieving drugs.

CATEGORIES OF ANIMAL USE IN RESEARCH AND TEACHING

| Category | Examples |
|---|---|
| **Category 1** | |
| The use of animals in teaching, testing, or experimental procedures that would be expected to produce little or no pain or distress. | 1. Holding animals for use in research or teaching.<br>2. Simple procedures such as injections, blood sampling, and tattooing.<br>3. Physical examinations.<br>4. Standard, approved methods of euthanasia.<br>5. Simple, group behavioral observations.<br>6. Procedures on anesthetized animals which do not regain consciousness. |
| **Category 2** | |
| The use of animals in procedures that involve minor pain or distress of short duration. | 1. Exposure of blood vessels or implantation of chronic catheters.<br>2. Behavioral studies or procedures that involve short term restraint.<br>3. Food/water deprivation for short periods.<br>4. Noxious stimuli from which escape is possible.<br>5. Surgical procedures that may result in some minor post-surgery pain or distress.<br>6. Diagnostic procedures such as laparoscopy or needle biopsies. |

CATEGORIES OF ANIMAL USE IN RESEARCH AND TEACHING—Continued

| Category | Examples |
|---|---|
| Category 3<br>The use of animals in procedures that involve significant but unavoidable pain or distress to the animals. | 1. Deliberate induction of behavioral stress, loss of sight, or similar debilitation to test its effect.<br>2. Major surgical procedures such as the invasion and exposure of body cavities, orthopedics, or major dental work, and those that result in significant post-operative pain or distress.<br>3. Induction of an anatomic or physiological deficit that will result in pain or distress.<br>4. Application of noxious stimuli from which escape is impossible or prolonged periods of physical restraint.<br>5. Deprivation studies.<br>6. Induction of aggressive or self-mutilating behavior.<br>7. Procedures that produce pain or distress in which anesthetics are not used; such as toxicity studies, radiation sickness, certain infections, and stress or shock research.<br>8. Infliction of minor burns or trauma. |
| Category 4<br>The use of animals in procedures that involve the inflicting of severe pain or distress or chronic, unrelieved pain or distress, or death. | 1. Infliction of severe burns or trauma without anesthetics.<br>2. Attempts to induce psychotic-like behavior.<br>3. Killing by inhumane means.<br>4. Inescapable severe stress, terminal stress, or long-term or permanent physical restraints.<br>5. Performing any major surgical procedure without anesthetics. |

(iii) The Committee shall approve Such protocols only when animal pain, distress, and functional or sensory impairment are minimized; all survival surgery is performed using aseptic procedures; adequate veterinary care is planned for and provided; multiple use of such animal(s) is justified for the purpose of conserving an endangered species or marine mammals or as an essential related component of a particular project or protocol; and the appropriate use of anesthetics, analgesics, tranquilizing drugs, or euthanasia, when necessary, and that the use of such drugs is in accordance with established or accepted veterinary medical procedures and usage. The use of such drugs shall be in accordance with the instructions of the attending veterinarian.

(iv) The Committee shall ensure that pain relieving drugs are used whenever an animal is subjected to any procedure that would reasonably be expected to cause pain or distress in a human subject were that procedure applied to a human being: *Provided, however:* That the use of pain relieving drugs may be minimized or exempted if fully explained and justified in the research protocol and agreed to by the Committee and the attending veterinarian.

(v) The Committee shall require written assurance from the principal investigator that:

(A) Alternative procedures have been considered for any procedure likely to produce pain or distress in an experimental animal and that no other procedures are suitable;

(B) The experiment does not unnecessarily duplicate previous experiments. The assurance is to indicate what information sources were consulted, what other procedures were considered, and what techniques will be used to minimize pain and discomfort to the animals;

(vi) The Committee shall in any practice which could be expected to cause pain to animals:

(A) Require that the principal investigator consult with the attending veterinarian in the planning of such procedure and during the procedure;

(B) Require that the principal investigator provide for the use of tranquilizers, analgesics, and anesthetics in accordance with the attending veterinarian's recommendations and established or accepted veterinary procedures, including the training of laboratory personnel to properly carry out these procedures so as to minimize pain and distress;

(C) Require that pre-surgical and post-surgical care be provided by laboratory workers, in accordance with the instructions of the attending veterinarian, and in accordance with established veterinary medical and nursing procedures;

(D) Require that all aseptic survival surgeries be conducted only in facilities intended for that purpose, that such facilities be operated and maintained under aseptic conditions, and that any surgery be performed or directly supervised by trained, experienced personnel;

(E) Prohibit the use of paralytic drugs without anesthesia; and

(F) Prohibit the withholding of tranquilizers, anesthesia, analgesia, or euthanasia except when scientifically necessary and approved by the Committee and the attending veterinarian. When the withholding of such drugs are approved, it shall continue for only the shortest necessary period of time.

(vii) The Committee shall assure that no animal is used in more than one major operative experiment from which it is allowed to recover. *Provided, however:* That exceptions may be made to limiting the number of survival surgical procedures on an animal under the following circumstances:

(A) When scientifically necessary and approved by the Committee;

(B) When required by other surgical procedures or related by protocol and approved by the Committee;

(C) When required to reduce or conserve the number of marine mammals or endangered species of animals used and approved by the Committee;

(D) When required to protect the health and well-being of the animal as determined by the attending veterinarian;

(E) When the procedure is a routine, elective veterinary surgical or diagnostic procedure;

(F) In other special circumstances as determined by the Secretary on an individual basis. Written requests and supporting data should be sent to the Deputy Administrator, USDA, APHIS, VS, 6505 Belcrest Road, Federal Building, Room 756, Hyattsville, MD 20782.

(G) Cost savings alone is not adequate reason for performing multiple survival surgical procedures.

(c) *Exceptions.* Exceptions to compliance with the standards and regulations as set forth under Title 9 CFR, Chapter 1, Subchapter A—*Animal Welfare*, shall be made by the Committee only when such areas of noncompliance are necessary for the accomplishment of the research design, and are specified in the research protocol, and are explained in detail. The principal investigator shall file a report explaining such areas of noncompliance in detail with the Committee. A copy of such report shall be kept on file by the facility and shall be available for inspection by USDA inspectors or officials of granting agencies.

(d) *Exercise for dogs and psychological well-being of primates.* The Committee shall establish, in consultation with the attending veterinarian, written procedures and systems for the exercise of dogs and for the psychological well-being of primates in accordance with the regulations and standards, and a record system indicating that such a procedure or system is being carried out.

(e) *Federal research facilities.* Each Federal research facility shall establish an Institutional Animal Care and Use Committee which shall have the same composition, duties, and responsibilities required of nonfederal research facilities by this section with the following exceptions:

(1) The Committee shall report deficiencies to the head of the Federal agency conducting the research rather than to the Animal and Plant Health Inspection Service;

(2) The head of the Federal agency conducting the research shall be responsible for all corrective action to be taken at the facility and for the granting of all exceptions to inspection protocol.

(f) *Training.* (1) Each research facility shall provide for the training and continuing education of scientists, research technicians, animal technicians, and other personnel involved with animal use, care, and treatment at the facility.

(2) Such training shall be reviewed by the Committee and the attending veterinarian and shall be made available annually or as appropriate to the individuals and their responsibilities.

(3) The Committee shall review the status of the training and qualifications of researchers to use animals at least once a year, and shall review the list of research personnel and shall designate those who require additional training.

(4) This training shall be available for review by Department inspectors. Such training shall include instruction in at least the following areas:

(i) Humane methods of animal maintenance and experimentation and animal ethics;

(ii) Research or testing methods that minimize or eliminate the use of animals or limit animal pain or distress;

(iii) Utilization of the information service at the National Agricultural Library;

(iv) Methods whereby deficiencies in animal care and treatment should be reported;

(v) The basic needs of each species of animal;

(vi) Familiarization with the intent and requirements of the Animal Welfare Act;

((vii) How to handle and care properly for the various species of animals used by the facility;

(viii) Proper pre-surgical and post-surgical care of animals;

(ix) Proper use of anesthetics, analgesics, and tranquilizers in the species of animals used by the facility, including the common or accepted use of such drugs in those species for which the drug is not licensed;

(x) Acceptable aseptic surgical methods and procedures;

(xi) Other training, techniques, or procedures the Committee, or the Secretary, may feel is necessary.

(g) *Annual report of research facility.* The Committee Chairman shall sign an assurance statement on the Annual Report of Research Facility (VS Form 18–23) certifying—

(1) That the Committee has carried out the responsibilities and requirements of this section;

(2) That the facility is following the standards required by the Animal Welfare Act governing the care, treatment, and use of animals during actual research or experimentation;

(3) That it has required a detailed explanation to be provided by the principal investigator when drugs are not used to alleviate pain or distress, and that all such explanations are attached to the Annual Report of Research Facility, and

(4) That it has required that all other exceptions to the standards have been specified by the protocols and approved by the Committee.

## Subpart D—Attending Veterinarian and Adequate Veterinary Care

### § 2.40 Attending veterinarian and veterinary care.

(a) Each licensed or registered research facility, dealer, or exhibitor shall have an attending veterinarian who is accredited by the U.S. Department of Agriculture in accordance with regulations issued by the Secretary under the Animal Welfare Act and who shall provide adequate veterinary care to their animals in compliance with this section.

(b) The attending veterinarian shall establish, maintain, and supervise programs of disease control and prevention, pest and parasite control, pre- and post-procedural care, nutrition, euthanasia, and adequate veterinary care for all animals on the premises of the dealer, exhibitor, or research facility. Such programs shall include the proper and appropriate use of anesthetics, analgesics, tranquilizers, and euthanasia when indicated.

(c) A written program of adequate veterinary care between the dealer, exhibitor, or research facility and the Doctor of Veterinary Medicine shall be drawn up and reviewed on a yearly basis. If a part-time or consulting veterinarian is utilized, such program shall include regularly scheduled visits appropriate to the facility's needs. The facility will keep a copy of the written program on file at the facility and shall provide a copy to the Area Veterinarian in Charge each year. Such written program shall include at least the following:

(1) The facility name and address;

(2) The veterinarian's name and address;

(3) How the programs are to be established and reviewed;

(4) The frequency of visits to be made to the premises by the veterinarian to assure adequate veterinary care and supervision of required programs;

(5) The method or system of euthanasia to be utilized, by species, and who shall be authorized to perform it; and

(6) The dated signature of the attending veterinarian and of a legally responsible official of the research facility, dealer, or exhibitor.

(d) Each animal shall be observed daily by the dealer, exhibitor, veterinarian, the animal caretaker in charge, or someone under their direct supervision. The facility shall provide veterinary care or humanely dispose of sick, diseased, injured, lame, or blind animals unless such action is inconsistent with the research purposes for which such animal was obtained and is being held: *Provided, however,* That this provision shall not affect compliance with any State or local law requiring the holding, for a specified period, of animals suspected of being diseased.

(e) *Research facilities.* (1) The attending veterinarian of each research facility shall be a member of the Institutional Animal Care and Use Committee and shall have the authority to enter all animal rooms, sites, facilities, and animal use areas, at any time.

(2) In addition to the requirements set forth in paragraphs (a) through (d) of this section, the attending veterinarian of a research facility shall:

(i) Provide consultation and guidance to principal investigators and other laboratory personnel during protocol planning and development, and during actual research, whenever any procedure is likely to produce pain or distress in an animal. Such consultation and guidance shall include at least the following areas:

(A) The proper use of tranquilizers, analgesics, anesthetics, and euthanasia according to the accepted, or common veterinary practice procedures;

(B) Provision for adequate pre-surgical and post-surgical care by laboratory workers in accordance with current established veterinary medical and nursing procedures;

(C) Agreement to the withholding of tranquilizers, anesthesia, analgesia, or euthanasia only when scientifically necessary and only for the necessary period of time; and

(D) Evaluation and approval of all animal surgical areas and qualifications

of personnel involved with animal surgery.

(ii) Establish a recordkeeping system and standard operating procedure, which indicates and assures that the proper drugs are being used and that proper pre-surgical and post-surgical care are being carried out on a daily basis;

(iii) Sign an assurance statement on the Annual Report of Research Facility (VS Form 18-23) each year certifying—

(A) That he/she has the authority to enter all animal areas;

(B) That he/she has carried out the requirements of this section;

(C) That he/she has read and understands the regulations and standards in Parts 2 and 3.

## Subpart E—Identification of Animals

### § 2.50 Time and method of identification.

(a) A class "A" dealer (breeder) shall identify all live dogs and cats on the premises as follows:

(1) When the class A dealer sells or otherwise removes live dogs or cats from the premises for delivery to a research facility or exhibitor or to another dealer, or for sale, through an auction sale or to any person for use as a pet, each such live dog or cat shall be identified by an official tag of the type described in § 2.51 affixed to the animal's neck by means of a collar made of material generally considered acceptable to pet owners as a means of identifying their pet dogs or cats,[1] or shall be identified by a distinctive and legible tattoo marking acceptable to and approved by the Deputy Administrator.

(2) Live puppies or kittens, less than 16 weeks of age, shall be identified by—

(i) An official tag as described in § 2.51;

(ii) A distinctive and legible tattoo marking approved by the Deputy Administrator, or

(iii) A plastic-type collar acceptable to the Deputy Administrator which has the information required for an official tag pursuant to § 2.51 legibly placed thereon.

(3) All other live dogs or cats on the premises must be identified in the records by an accurate and distinctive description, or by a distinctive and legible tattoo marking, or by an official tag pursuant to § 2.51.

(b) A class "B" dealer shall identify all live dogs and cats under his control, on his premises as follows:

(1) When live dogs or cats are purchased or otherwise acquired, they shall be immediately identified by—

(i) Affixing to the animal's neck an official tag as set forth in § 2.51 by means of a collar made of material generally acceptable to pet owners as a means of identifying their pet dogs or cats,[1] or

(ii) By a distinctive and legible tattoo marking approved by the Deputy Administrator.

(2) If any live dog or cat is already identified by an official tag or tattoo which has been applied by another dealer or exhibitor, the dealer or exhibitor who purchases or otherwise acquires such animal may maintain identification of the dog or cat by the previous identification number, or may replace such previous tag with his own official tag or approved tattoo. In either case, the class B dealer or class C exhibitor shall correctly list both official tag numbers or tattoos in his records of purchase which shall be maintained in accordance with §§ 2.75 and 2.77. Any new official tag or tattoo number shall be used on all records of the subsequent sales of such dog or cat.

(3) Live puppies or kittens, less than 16 weeks of age, shall be identified by—

(i) An official tag as described in § 2.51;

(ii) A distinctive and legible tattoo marking approved by the Deputy Administrator, or

(iii) A plastic-type collar acceptable to the Deputy Administrator which has the information required for an official tag pursuant to § 2.51 legibly placed thereon.

(4) When any dealer has made a reasonable effort to affix an official tag to a cat, as set forth in paragraphs (a) and (b) of this section, and has been unable to do so, or when the cat exhibits serious distress from the attachment of a collar and tag, the dealer shall attach the collar and tag to the door of the primary enclosure containing the cat and take proper measures to maintain the identity of the cat in relation to the tag. Each primary enclosure shall contain no more than one weaned cat without an affixed collar and official tag, unless such cats are identified by a distinctive and legible tattoo or plastic-type collar approved by the Deputy Administrator.

(c) A class "C" exhibitor shall identify all live dogs and cats under his control or on his premises, purchased, or otherwise acquired:

(1) As set forth in (b)(1) or (b)(3) of this section, or

(2) May identify each dog or cat with—

(i) An official USDA sequentially numbered tag kept on the door of the animals cage or run;

(ii) A record book containing each animal's number, a written description of the animal, the data required by § 2.75(a), and a clear photograph of each animal; and

(iii) A second, duplicate tag to accompany each dog or cat whenever it leaves the compound or premises.

(d) Unweaned puppies or kittens need not be individually identified as required by paragraphs (a) and (b) of this section while they are maintained as a litter with their dam in the same primary enclosure provided the dam has been so identified.

(e) (1) All live dogs or cats delivered for transportation, transported, purchased or otherwise acquired, sold, or disposed of by a research facility, shall be identified at the time of such delivery for transportation, purchase, sale, disposal, or acquisition by the official tag or tattoo which was affixed to the animal at the time it was acquired by the research facility, as required by this section, or by a tag, tattoo, or collar, applied to the live dog or cat by the research facility and which individually identifies such dog or cat by description or number. Both official tag or tattoo numbers shall be correctly listed in the records of purchase, acquisition, disposal, or sale which shall be maintained in accordance with § 2.76.

(2) All live dogs or cats delivered for transportation, transported, purchased, sold, or otherwise acquired or disposed of from any exempt source, shall be identified at the time of such delivery, purchase, sale, disposal, or acquisition, by an official tag or tattoo affixed by the research facility and maintained in the records in accordance with § 2.76.

(f) (1) All animals, except dogs and cats, delivered for transportation, transported, purchased, sold, or otherwise acquired or disposed of, by any dealer or exhibitor shall be identified by the dealer or exhibitor at the time of such delivery for transportation, purchase, sale, acquisition or disposal, as provided for in this paragraph and records maintained as required in §§ 2.75 and 2.77.

(2) When one or more animals, other than dogs or cats, are confined in a container, the animal(s) shall be identified by—

(i) A label attached to the container which shall bear a description of the

[1] In general, well fitted collars made of leather or plastic will be acceptable under this provision. The use of certain types of chains presently used by some dealers may also be deemed acceptable. A determination of the acceptability of a material proposed for usage as collars from the standpoint of humane considerations will be made by Veterinary Services on an individual basis in consultation with the dealer or exhibitor involved. The use of materials such as wire, elastic, or sharp metal that might readily cause discomfort or injury to the dogs or cats is not acceptable.

animals in the container, including (A) the number of animals, (B) the species of the animals, (C) any distinctive physical features of the animals, and (D) any identifying marks, tattoos, or tags attached to the animals;

(ii) Marking the container with a painted or stenciled number, which number shall be recorded in the records of the dealer or exhibitor together with (A) a description of the animal(s), (B) the species of the animal(s), and (C) any distinctive physical features of the animal(s); or

(iii) A tag or tattoo applied to each animal in the container by the dealer or exhibitor and which individually identifies such animal by description or number.

(3) When any animal, other than a dog or cat, is not confined in a container, it shall be identified on a record, as required by § 2.75 which shall accompany the animal at the time it is delivered for transportation, transported, purchased, or sold, and shall be kept and maintained by the dealer or exhibitor as part of his records.

**§ 2.51 Form of official tag.**

(a) The official tag shall be made of a durable alloy such as brass, bronze, or steel or of a durable plastic. Aluminum of a durable thickness may also be used. Such tag shall be one of the following shapes:

(1) Circular in shape and not less than 1¼ inches in diameter, or

(2) Oblong and flat in shape, not less than 2 inches by ¾ inch and riveted to an acceptable collar.

(b) Each tag shall have the following information embossed or stamped on it which is easily readable—

(1) The letters "USDA";

(2) Numbers identifying the State and dealer, exhibitor, or research facility (i.e. 39–AB); and

(3) Numbers identifying the animal (i.e. 82488).

(c) Such tags shall be serially numbered and there shall be no duplication of numbers by any one dealer, exhibitor, or research facility, within a consecutive 5-year period.

**§ 2.52 How to obtain tags.**

Dealers, exhibitors, or research facilities may obtain, at their own expense, official tags from commercial tag manufacturers.[2] At the time the dealer, exhibitor, or research facility is issued a license or is registered, the Department will assign identification letters and numbers and inform them of the identification letters and numbers to be used on the official tags.

**§ 2.53 Use of tags.**

Official tags obtained by a dealer, exhibitor, or research facility, shall be applied to dogs or cats in the manner set forth in § 2.50 and in as near consecutive numerical order as possible. No tag number shall be used to identify more than one animal. No number shall be repeated within a consecutive 5-year period.

**§ 2.54 Lost tags.**

Each research facility, dealer, or exhibitor shall be held accountable for all official tags acquired. In the event an official tag is lost from the neck of a dog or cat while in the possession of a research facility, dealer, or exhibitor, a diligent effort shall be made to locate and reapply such tag to the proper animal. If the lost tag is not located, the research facility, dealer, or exhibitor shall affix another official tag to the animal in the manner prescribed in § 2.50, and make a notation of the tag number on the official records.

**§ 2.55 Removal and disposal of tags.**

(a) When a dog or cat wearing or identified by an official tag arrives at a research facility, the facility may continue to use such tag to identify the dog or cat or the research facility may replace the tag as indicated in § 2.50(e). All tags removed by a research facility shall be retained and disposed of as indicated in this section.

(b) If a dealer, exhibitor, or research facility finds it necessary to euthanize a live dog or cat to which is affixed or which is identified by an official tag, or upon the death of such dog or cat from other causes, the dealer, exhibitor, or research facility shall remove and retain such tag for the required period.

(c) All official tags removed and retained by a dealer, exhibitor, or research facility shall be held until called for by a Veterinary Services representative or for a period of 1 year.

(d) When official tags are removed from animals for disposal such tags must be disposed of in a manner to preclude their reuse as animal identification. No animal identification number shall be used within any consecutive 5-year period following its previous use.

## Subpart F—Stolen Animals

**§ 2.60 Prohibition on the purchase, sale, use, or transportation of stolen animals.**

Any person subject to the Act shall not buy, sell, exhibit, use for research, transport, or offer for transportation, any stolen animal.

## Subpart G—Records

**§ 2.75 Dealers and exhibitors.**

(a)(1) Every dealer and exhibitor shall make, keep, and maintain systems of records or forms which fully and correctly disclose the following information concerning each dog or cat purchased or otherwise acquired, owned, held, or otherwise in his possession or under his control, or which is transported, euthanized, sold, or otherwise disposed of by such dealer or exhibitor. Such records shall include any offspring born of any animal while in his possession or under his control:

(i) The name and address of the person from whom such dog or cat was purchased or otherwise acquired whether or not such person is required to be licensed or registered under the Act;

(ii) The USDA license or registration number of such person if licensed or registered under the Act;

(iii) The vehicle license number and State, and the drivers license number and State of such person if they are not licensed or registered under the Act;

(iv) The name and address of the person to whom such dog or cat was sold or otherwise disposed of and their license or registration number if licensed or registered under the Act;

(v) The date such dog or cat was acquired or disposed of, including by euthanasia;

(vi) The official USDA tag number or tattoo assigned to such dog or cat pursuant to §§ 2.50 and 2.54;

(vii) A description of each dog or cat which shall include:

(A) The species and breed or type;

(B) The sex;

(C) Date of birth (if known) or approximate age;

(D) The color and any distinctive markings;

(viii) The method of transportation including the name of the initial commercial carrier or intermediate handler or if a privately owned conveyance is used to transport the dog or cat, the name of the owner of such privately owned conveyance.

(ix) The date and method of disposition of such dog or cat, e.g., sale, death, euthanasia, or donation.

[2] A list of the commercial manufacturers who produce such tags and are known to the Department may be obtained from the Area Veterinarian in Charge. Any manufacturer who desires to be included in such a list should notify the Deputy Administrator.

(2) Record of Dogs and Cats on Hand (VS Form 18–5) and Record of Disposition of Dogs and Cats (VS Form 18–6) are forms which may be used by dealers and exhibitors upon which to make, keep, and maintain the information required by paragraph (a)(1) of this section concerning dogs and cats except as provided in § 2.79.

(3) The USDA Interstate and International Certificate of Health Examination for Small Animals (VS Form 18–1) may be used by dealers and exhibitors to make, keep, and maintain the information required by paragraph (a)(1) of this section and § 2.79.

(4) One copy of the record containing the information required by paragraph (a)(1) of this section shall accompany each shipment of any dog or cat purchased or otherwise acquired by a dealer or exhibitor. One copy of the record containing the information required by paragraph (a)(1) of this section shall accompany each shipment of any dog or cat sold or otherwise disposed of by a dealer or exhibitor: *Provided, however:* That information which indicates the source and date of acquisition of such dog or cat is not required to appear on the copy of the record accompanying the shipment. One copy of the record containing the information required by (a)(1) of this section shall be retained by the dealer or exhibitor.

(b)(1) Every dealer and exhibitor shall make, keep, and maintain systems of records or forms which fully and correctly disclose the following information concerning animals other than dogs and cats, purchased or otherwise acquired, owned, held, leased, or otherwise in his possession or under his control, including any offspring born of such animals while in his possession or under his control, transported, or sold, euthanized, or otherwise disposed of:

(i) The name and address of the person from whom such animals were purchased or otherwise acquired;

(ii) The USDA license or registration number if licensed or registered under the Act;

(iii) The name and address of the person to whom sold or otherwise disposed of;

(iv) The date of such purchase, acquisition, sale, or disposal of such animal(s);

(v) The species of such animal(s);

(vi) The number of such animals.

(2) Record of Animals on Hand (other than dogs and cats) (VS Form 18–19) and Record of Acquisition, Disposition, or Transport of Animals (other than dogs and cats) (VS Form 18–20) are forms which may be used by dealers and exhibitors upon which to keep and maintain the information required by paragraph (b)(1) hereof concerning animals other than dogs and cats except as provided in § 2.79.

(3) One copy of the record containing the information required by paragraph (b)(1) of this section shall accompany each shipment of any animal(s) other than a dog or cat purchased or otherwise acquired by a dealer or exhibitor. One copy of the record containing the information required by paragraph (b)(1) of this section shall accompany each shipment of any animal other than a dog or cat sold or otherwise disposed of by a dealer or exhibitor; *Provided, however:* That information which indicates the source and date of acquisition of any animal other than a dog or cat is not required to appear on the copy of the record accompanying the shipment. One copy of the record containing the information required by paragraph (b)(1) of this section shall be retained by the dealer or exhibitor.

**§ 2.76 Research facilities.**

(a) Every research facility shall make, keep, and maintain systems of records or forms which fully and correctly disclose the following information concerning each live dog or cat purchased or otherwise acquired, owned, held, or otherwise in their possession or under their control, transported, euthanized, sold, or otherwise disposed of by such research facility. Such records shall include for any offspring born of any animal while in the research facility's possession or under its control:

(1) The name and address of the person from whom such dog or cat was purchased or otherwise acquired whether or not such person is required to be licensed or registered under the Act;

(2) The USDA license or registration number if such person is licensed or registered under the Act;

(3) The vehicle license number and State and the driver's license number and State of such person if they are not licensed or registered under the Act;

(4) The date of acquisition of each dog or cat;

(5) The official USDA tag number or tattoo assigned to each dog or cat pursuant to §§ 2.50 and 2.54;

(6) A description of each dog or cat which shall include:

(i) The species and breed or type of animal;

(ii) The sex;

(iii) The date of birth (if known) or approximate age;

(iv) The color and any distinctive markings.

(7) Any identification number or mark assigned to each dog or cat by such research facility.

(b) In addition to the information required to be kept and maintained by every research facility concerning each live dog or cat, pursuant to paragraph (a) of this section, every research facility transporting, selling, or otherwise disposing of any live dog or cat to another person, shall make and maintain systems of records or forms which fully and correctly disclose the following information.

(1) The name and address of the receiver to whom such live dog or cat is transported, sold, or otherwise disposed of;

(2) The date of such transportation, sale, euthanasia, or other disposition; and

(3) The method of transportation, including the name of the initial commercial carrier or intermediate handler, or if a privately owned conveyance is used to transport the dog or cat, the name of the owner of such privately owned conveyance.

(c)(1) The USDA Interstate and International Certificate of Health Examination for Small Animals (VS Form 18–1) and Record of Dogs and Cats on Hand (VS Form 18–5) are forms which may be used by research facilities upon which to keep and maintain the information required by paragraph (a) of this section.

(2) The USDA Interstate and International Certificate of Health Examination for Small Animals (VS Form 18–1), and Record of Disposition of Dogs and Cats (VS Form 18–6) are forms which may be used by research facilities upon which to keep and maintain the information required by paragraph (b) of this section.

(d) One copy of the record containing the information required by paragraphs (a) and (b) of this section shall accompany each shipment of any live dog or cat sold or otherwise disposed of by a research facility: *Provided, however:* That information which indicates the source and date of acquisition of any dog or cat is not required to appear on the copy of the record accompanying the shipment. One copy of the record containing the information required by paragraphs (a) and (b) of this section shall be retained by the research facility.

**§ 2.77 Operators of auction sales and brokers.**

(a) Every operator of an auction sale or broker shall make, keep, and

maintain systems of records or forms which fully and correctly disclose the following information concerning each animal consigned for auction or sold, whether or not a fee or commission is charged:

(1) The name and address of the person who owned or consigned the animal(s) for sale;

(2) The name and address of the buyer or consignee who received the animal;

(3) The USDA license or registration number of the persons selling, consigning, buying, or receiving the animals if licensed or registered under the Act;

(4) The date of the consignment;

(5) The official USDA tag number or tattoo assigned to the animal pursuant to §§ 2.50 and 2.54;

(6) A description of the animal which shall include:

(i) The species and breed or type of animal;

(ii) The sex of the animal;

(iii) The color and any distinctive markings on the animal.

(7) The auction sales number or records number assigned to the animal.

(b) One copy of the record containing the information required by paragraph (a) of this section shall be given to the consignor of each animal, one copy of the record shall be given to the purchaser of each animal: *Provided, however:* That information which indicates the source and date of consignment of any animal is not required to appear on the copy of the record given the purchaser of any animal. One copy of the record containing the information required by paragraph (a) of this section shall be retained by the operator of such auction sale, or broker, for each animal sold by the auction sale or broker.

**§ 2.78 Carriers and intermediate handlers.**

(a) In connection with all live animals accepted for shipment on a C.O.D. basis or other arrangement or practice under which the cost of such animal or the transportation of such animal is to be paid and collected upon delivery of the animal to the consignee, the accepting carrier or intermediate handler, if any, shall keep and maintain a copy of the guarantee in writing of the consignor of such shipment for the payment of transportation charged for any animal not claimed as provided in § 2.80, including, where necessary, both the return transportation charges and an amount sufficient to reimburse the carrier for out-of-pocket expenses incurred for the care, feeding, and storage of such animal. The carrier or intermediate handler at destination shall also keep and maintain a copy of the shipping document containing the time, date, and method of each attempted notification and the final notification to the consignee and the name of the person notifying the consignee, as provided in § 2.80.

(b) In connection with all live dogs, cats, or nonhuman primates delivered for transportation, in commerce, to any carrier or intermediate handler, by any dealer, research facility, exhibitor, operator of an auction sale, broker, or department, agency, or instrumentality of the United States or of any State or local government, the accepting carrier or intermediate handler shall keep and maintain a copy of the health certification completed as required by § 2.79, tendered with each such live dog, cat, or nonhuman primate.

**§ 2.79 Health certification and identification.**

(a) No dealer, research facility, exhibitor, operator of an auction sale, broker, or department, agency, or instrumentality of the United States or of any State or local government shall deliver to any intermediate handler or carrier for transportation, in commerce, any dog, cat, or nonhuman primate unless such dog, cat, or nonhuman primate shall be accompanied by a health certificate executed and issued by a licensed veterinarian. Such health certificate shall state that—

(1) The licensed veterinarian inspected such dog, cat, or nonhuman primate on a specified date which shall not be more than 10 days prior to the delivery of such dog, cat, or nonhuman primate for transportation; and

(2) When so inspected that such dog, cat, or nonhuman primate appeared to the licensed veterinarian to be free of any infectious disease or physical abnormality which would endanger the animal(s) or other animals or endanger public health.

(b) The Secretary may provide exceptions to the health certification requirement on an individual basis for animals shipped to a research facility for purposes of research, testing, or experimentation when the research facility requires animals not eligible for such certification. Such request should be addressed to the Deputy Administrator, USDA, APHIS, VS, Room 756, FCB, 6505 Belcrest Road, Hyattsville, MD 20782.

(c) No intermediate handler or carrier to whom any live dog, cat, or nonhuman primate is delivered for transportation by any dealer, research facility, exhibitor, broker, operator of an auction sale, or department, agency, or instrumentality of the United States or any State or local government shall receive such live dog, cat, or nonhuman primate for transportation, in commerce, unless and until it is accompanied by a health certificate issued by a licensed veterinarian pursuant to paragraph (a) of this section, or an exemption issued by the Secretary pursuant to paragraph (b) of this section.

(d) The U.S. Interstate and International Certificate of Health Examination for Small Animals (VS Form 18-1) may be used for health certification by a licensed veterinarian as required by this section.

**§ 2.80 C.O.D. shipments.**

(a) No carrier or intermediate handler shall accept any animal for transportation, in commerce, upon any C.O.D. or other basis where the cost of the animal or the cost for any such transportation or any other incidental or out-of-pocket expense is to be paid and collected upon delivery of such animal to the consignee, unless the consignor guarantees in writing the payment of all transportation, including any return transportation, if such shipment is unclaimed or the consignee cannot be notified in accordance with paragraphs (b) and (c) of this section, including reimbursing the carrier or intermediate handler for all out-of-pocket expenses incurred for the care, feeding, and storage or housing of such animal.

(b) Any carrier or intermediate handle receiving any animal at destination on a C.O.D. or other basis where the cost of the animal or the cost for any transportation or other incidental or out-of-pocket expense is to be paid and collected upon delivery of such animal to the consignee shall attempt to notify such consignee for a period of 24 hours after arrival of the animal at the animal holding area of the terminal cargo facility, at least once every 6 hours during that period. The time, date, and method of each attempted notification and the final notification to the consignee and the name of the person notifying the consignee shall be recorded by the carrier or intermediate handler on the shipping document and a copy thereof, accompanying the C.O.D. shipment. If the consignee cannot be notified of the C.O.D. shipment within 24 hours after arrival of the shipment, the carrier or intermediate handler shall return the animal to the consignor, or to whomever the consigner has designated, on the next practical available transportation, in accordance with the written agreement required in paragraph (a) of this section and so notify the consignor. Any carrier or intermediate handler which has notified a consignee of the arrival of a C.O.D. or other

shipment of an animal, where the cost of the animal, or the cost for any transportation, or other incidental or out-of-pocket expense is to be paid and collected upon delivery of such animal to the consignee, which is not claimed by such consignee within 48 hours from the time of such notification, shall return the animal to the consignor, or to whomever the consignor has designated, on the next practical available transportation, in accordance with the written agreement required in paragraph (a) of this section and so notify the consignor.

(c) It shall be the responsibility of any carrier or intermediate handler to provide proper care, feeding, and storage or housing for any animal accepted for transportation, in commerce, under a C.O.D. or other arrangement where the cost of the animal or the cost of any transportation or other incidental or out-of-pocket expense is to be paid and collected upon delivery of such animal until the consignee accepts shipment at destination or until returned to the consignor or his designee should the consignee fail to accept delivery of the animal or the consignee could not be notified as prescribed in paragraph (b) of this section.

(d) Nothing in this section shall be construed as prohibiting any carrier or intermediate handler from requiring any additional guarantee than that required in paragraph (a) of this section for the payment of the cost of any transportation or out-of-pocket or other incidental expenses incurred in the transportation of any animal.

**§ 2.81 Records, disposition.**

(a) No dealer, exhibitor, broker, operator of an auction sale, research facility, carrier, or intermediate handler shall, within a period of one year from the making thereof, destroy or dispose of, without the consent in writing of the Deputy Administrator, any books, records, documents, or other papers required to be kept and maintained under this part.

(b) The records required to be kept and maintained under this part shall be held for at least one year after such animal is euthanized or disposed of and for such period in excess of this period as necessary to comply with any other Federal, State, or local law. Whenever the Deputy Administrator notifies a dealer, exhibitor, broker, operator of an auction sale, research facility, carrier, or intermediate handler in writing that specified records shall be retained pending completion of an investigation or proceeding under the Act, such dealer, exhibitor, broker, operator of an auction sale, research facility, carrier, or intermediate handler shall hold such records until their disposition is authorized by the Deputy Administrator.

## Subpart H—Compliance With Standards and Holding Period

**§ 2.100 Compliance with standards.**

(a) Each dealer, exhibitor, operator of an auction sale and research facility shall comply in all respects with the regulations set forth in Part 2 and the standards set forth in Part 3 of this subchapter for the humane handling, care, treatment, housing, and transportation of animals: *Provided, however:* That exceptions to the standards in Part 3 may be made for research facilities only when such exceptions are specified in the research protocol; are explained in detail in a report filed with the Institutional Animal Care and Use Committee; and are approved by the Committee.

(b) Each carrier and intermediate handler shall comply in all respects with the regulations in Part 2 and the standards in Part 3 setting forth the conditions and requirements for the humane transportation of animals in commerce and their handling, care, and treatment in connection therewith.

**§ 2.101 Holding period.**

(a) Any live dog or cat acquired by a dealer [3] or exhibitor shall be held by him, under his supervision and control, for a period of not less than 5 business days after acquisition of such animal: *Provided, however:* That live dogs or cats which have completed a 5-day holding period with another licensed dealer or exhibitor may be sold or otherwise disposed of by subsequent dealers or exhibitors after a minimum holding period of 24 hours by each subsequent dealer or exhibitor, excluding time in transit; live dogs or cats obtained from governmentally owned and operated pounds or shelters (i.e., city or county pounds or shelters) and that have completed at least a 5-day holding period at such pound or shelter, may be sold or otherwise disposed of by subsequent dealers or exhibitors after a minimum holding period of 24 hours by each subsequent dealer or exhibitor, excluding time in transit; any dog or cat suffering from disease, emaciation, or injury may be destroyed by euthanasia prior to the completion of the holding period required by this section; any live dog or cat, 120 days of age or less, that was obtained from the person that bred and raised such dog or cat, may be exempted from the 5-day holding requirement and may be disposed of by dealers or exhibitors after a minimum holding period of 24 hours, excluding time in transit. Each subsequent dealer or exhibitor must also hold each such dog or cat for a 24 hour period excluding time in transit.

(b) During the period in which any dog or cat is being held as required by this section, such dog or cat shall be unloaded from any means of conveyance in which it was received, for feed, water, and rest, and handled, cared for, and treated in accordance with the standards set forth in Part 3, Subpart A, of this subchapter.

**§ 2.102 Holding facility.**

(a) If any dealer or exhibitor obtains the prior approval of the Area Veterinarian in Charge, he may arrange to have another person hold animals for the required period provided for in paragraph (a) of § 2.101: *Provided:* That such other person agrees in writing to comply with the regulations in Part 2 and the standards in Part 3 of this subchapter and to allow inspection of his premises by a Veterinary Services representative during business hours; and the animals remain under the total control and responsibility of the dealer or exhibitor. Approval will not be given for a dealer or exhibitor holding a license as set forth in § 2.4 to have animals held for purposes of this section by another licensed dealer or exhibitor. Veterinary Services Form 18–9 shall be used for such approval.

(b) If any research facility or intermediate handler obtains prior approval of the Area Veterinarian in Charge, it may arrange to have another person hold animals: *Provided:* That, such other person agrees in writing to comply with the regulations in Part 2 and the standards in Part 3 of this subchapter and to allow inspection of the premises by a Veterinary Services representative during business hours; the animals remain under total control and responsibility of the research facility or intermediate handler; and in the case of a research facility, a legally responsible official of the research facility agrees in writing that such other person or premises is a recognized animal site under their research facility registration. Veterinary Services Form 18–9 shall be used for such approval.

[3] An operator of an auction sale is not considered to have acquired a dog or cat which is sold through the auction sale.

## Subpart I—Miscellaneous

### § 2.125 Information as to business; furnishing of same by dealers, exhibitors, operators of auction sales, research facilities, intermediate handlers, and carriers.

Each dealer, exhibitor, research facility, intermediate handler, and carrier shall furnish to any Veterinary Services representative, any information concerning the business of the dealer, exhibitor, operator of an auction sale, research facility, intermediate handler or carrier which may be requested by such representative in connection with the enforcement of the provisions of the Act, the regulations and the standards in this subchapter. Such information shall be furnished within such reasonable time as may be specified in the request for such information.

### § 2.126 Access and inspection of records and property.

Each dealer, exhibitor, research facility, intermediate handler, or carrier, shall, during business hours, permit U.S Department of Agriculture representatives to enter its place of business, examine records required to be kept by the Act and the regulations in this part, make copies of such records, inspect such facilities, property and animals, as such representatives consider necessary to enforce the provisions of the Act, the regulations and the standards in this subchapter, and take photographs to document conditions and/or areas of noncompliance in the facility. The use of a room, table, or other facilities necessary for the proper examination of such records and inspection of such property or animals shall be extended to such authorized representatives of the Secretary by the dealer, exhibitor, research facility, intermediate handler or carrier, or his agents and employees.

### § 2.127 Publication of names of persons subject to the provisions of this part.

Lists of persons licensed or registered, pursuant to the provisions of this part, shall be published periodically by Veterinary Services in the **Federal Register**. Such lists may be obtained upon request from the Area Veterinarian in Charge.

### § 2.128 Inspection for missing animals.

(a) Each dealer, exhibitor, research facility, intermediate handler and carrier shall, upon request, during business hours, permit, under the following conditions, police or other officers of law enforcement agencies with general law enforcement authority (not those agencies whose duties are limited to enforcement of local animal regulations) to enter his/her place of business to inspect animals and records for the purpose of seeking animals that are missing:

(1) The police or other law officer shall furnish to the dealer, exhibitor, research facility, intermediate handler or carrier a written description of the missing animal and the name and address of its owner before making such search.

(2) The police or other law officer shall abide by all security measures required by the dealer, exhibitor, research facility, intermediate handler or carrier to prevent the spread of disease, including the use of sterile clothing, footwear, and masks where required, or to prevent the escape of an animal.

(b) Such inspection for missing animals by law enforcement officers shall not extend to animals that are undergoing actual research or experimentation by a research facility as determined by such research facility.

### § 2.129 Confiscation and destruction of animals.

(a) If an animal being held by a dealer, exhibitor, intermediate handler, carrier, or by a research facility when it is no longer required by such research facility to carry out the research, test, or experiment for which it has been utilized, is found by a Veterinary Services representative to be suffering as a result of the failure of the dealer, exhibitor, intermediate handler, carrier, or operator of an auction sale, or research facility to comply with any provision of the regulations or the standards set forth in this subchapter, the Veterinary Services representative shall make a reasonable effort to notify the dealer, exhibitor, intermediate handler, carrier, or research facility of the condition of such animal(s) and request that the condition be corrected and that adequate care be given when necessary to alleviate the animal's suffering or distress, or that the animal(s) be destroyed by euthanasia. In the event that the dealer, exhibitor, intermediate handler, carrier, or research facility refuses to comply with such request, the Veterinary Services representative may confiscate such animal(s) for care, treatment, or disposal as indicated in paragraph (b) of this section, if in the opinion of the Deputy Administrator the circumstances indicate such animal is in danger of harm.

(b) In the event that the Veterinary Services representative is unable to locate or notify the dealer, exhibitor, intermediate handler, carrier, or research facility as required in this section, the Veterinary Services representative shall contact a local police or other law officer to accompany him to the premises and shall provide for adequate care when necessary to alleviate the animal's suffering. If in the opinion of the Deputy Administrator, the condition of the animal(s) cannot be corrected by such temporary care, the Veterinary Services representative shall confiscate the animals. Such confiscated animals may be placed with other licensees or registrants which comply with the standards and regulations, and can provide proper care, by sale or donation, or may be euthanized. Such costs as may be incurred shall be borne by the dealer, exhibitor, intermediate handler, carrier, or research facility from whom the animals were confiscated.

(c) Prior to making any decision regarding the destruction of any marine mammal, or of any species designated by the Department of the Interior or the International Union for the Conservation of Nature and Natural Resources as an endangered species, the Deputy Administrator shall, when possible, consult with representatives of the Fish and Wildlife Service, Department of the Interior, the National Marine Fisheries Service, Department of Commerce, and the International Union for the Conservation of Nature and Natural Resources.

### § 2.130 Minimum age requirements.

No dog or cat shall be delivered by any person to any carrier or intermediate handler for transportation, in commerce, except to a registered research facility, unless such dog or cat is at least eight (8) weeks of age and has been weaned.

### § 2.131 Handling of animals.

(a)(1) Handling of all animals shall be done as expeditiously and carefully as possible in a manner that does not cause unnecessary discomfort, trauma, overheating, excessive cooling, behavioral stress, or physical harm.

(2) Care shall be exercised to avoid harm to the handlers of such animals and to avoid unnecessary harm to the animals.

(3) Physical abuse or deprivation of food or water shall not be used to train, work, or otherwise handle animals.

(b)(1) Animals shall be exhibited only for periods of time and under conditions consistent with their good health and well-being.

(2) A responsible and knowledgeable uniformed employee or attendant must be present at all times during periods of public contact.

(3) At a minimum, when dangerous animals such as lions, tigers, wolves, bears, or elephants are allowed to have contact with the public, the animals must be under the direct control and supervision of a knowledgeable and experienced animal handler.

(4) If public feeding of animals is allowed, the food must be provided by the animal facility and shall be appropriate to the type of animal and its nutritional needs and diet.

(c)(1) During public exhibition, any animal must be handled so there is minimal risk of harm to the animal and to the public, with sufficient distance and/or barriers between the animal and the general viewing public so as to assure safety to the animals and to the public.

(2) Performing animals shall be allowed a rest period between performances at least equal to the time for one performance.

(3) Young or immature animals shall not be exposed to rough or excessive public handling or exhibited for periods of time which would be detrimental to their health or well-being.

(4) Drugs, such as tranquilizers, shall not be used to facilitate, allow, or provide for public handling of the animals.

**§ 2.132 Procurement of random source dogs and cats, dealers.**

A class "B" dealer may obtain live random source dogs and cats only from State, county, or city owned and operated pounds or shelters. Class "B" dealers may not obtain live random source dogs and cats from nongovernment pounds or shelters, or from individuals who have not bred and raised such dogs and cats on their own premises. Nonrandom source dogs and cats may be obtained from persons who have bred and raised such dogs and cats on their own premises.

Done at Washington, DC, this 24th day of March 1987.

**B.G. Johnson,**

*Deputy Administrator, Veterinary Services.*

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